

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO. 5745 OF 2018**

1. Purushottam Lal Rathore S/o Shri Khamhan Prasad Rathore Aged About 40 Years R/o Village Ratan Mahka, Post Dhadhra, P.S. And Tahsil Kharsia, District Raigarh, Chhattisgarh.

...Petitioner(s)**Versus**

1. State of Chhattisgarh Through - Secretary, Urban Administration Of Department, Mantralaya Mahanadi Bhawan, Capital Complex, New Raipur, District Raipur Chhattisgarh.
2. The Nagar Palik Nigam Through Municipal Council Kharsia, District Raigarh, Chhattisgarh.
3. The Presiding Officer Labour Court Raigarh, District Raigarh, Chhattisgarh.

... Respondent(s)

For Petitioner	:	Shri Hemant K Patel, Advocate.
For Respondent-State	:	Shri SP Kale, Dy. Advocate General.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****04.09.2018**

1. The grievance of the petitioner is that he was illegally terminated from service by the respondent No.2.
2. The petitioner raised an industrial dispute which was registered as case No.5/ID Act/05 (Ref.). The said dispute stood finally adjudicated on 23.02.2006 holding that removal of the petitioner from service to be bad in law and illegal and therefore ordered for reinstatement in service. The said order of reinstatement was put to challenge in WP No.2407 of 2006 by the respondent No.2 and the writ petition got dismissed on 09.04.2010. Thereafter, the petitioner till date have not been reinstated in service inspite of all efforts.
3. From the records it appears that there is an order in favour of the petitioner and the present petition has been filed only seeking for

execution of the award passed by the Labour Court which this court is of the opinion that the same may not be sustainable under Article 226 of the Constitution of India.

4. Reserving the right of the petitioner to avail the remedy available under the provisions of Section 33(C)(2) of the Industrial Disputes Act on the basis of the order in his favour and also seeking initiation of prosecution against the erring officers for not complying the Labour Court's award under Section 29 of the Industrial Disputes Act before the competent authority, the present petition stands disposed of.

Sd/-
(P. Sam Koshy
Judge