

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPL No. 2348 of 2009

State of Chhattisgarh Through Secretary, Divisional Forest Officer, Forest Division Kawardha, District Kabirdham, Chhattisgarh

---- Petitioner

Versus

1. Deelandas, S/o. Mangaldas Dharwaiya, Chilfighati, Kawardha, District Kabirdham, Chhattisgarh
2. The Labour Court, Rajnandgaon, Chhattisgarh

---Respondents

For Petitioner/State	:	Mr. P. Acharya, Panel Lawyer
For Respondent No.1/worker	:	Mr. Basant Dewangan, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

09/08/2019

1. The challenge in the present writ petition is to the award dated 08.01.2008, passed by the Labour Court, Rajnandgaon in case No. 21/I.D./2007 (Ref.).
2. The facts of the case is that the respondent No.1 had raised an industrial dispute, which stood referred to the Labour Court, Rajnandgaon with the following terms of reference:

“Whether the termination from service of Shri Deelandas Dharwaiya, S/o. Mangaldas Dharwaiya was legal and justified? If not what relief he is entitled for and in this regard what direction can be issued to the non-applicant/Management?”

3. In the course of the proceedings before the Labour Court, the respondent No.1/worker got himself examined and on behalf of the petitioner/Department one Shri B.R. Khunte was examined as Management witness. After recording of the evidence, the Labour Court vide its award dated 08.01.2008 answered the reference in favour of the respondent

No.1/worker. The Labour Court while answering the reference held that the discontinuance of the respondent No.1/worker from 18.02.2000 was bad in law, illegal and ordered for reinstatement with service with 75% of the back-wages.

4. The award of the Labour Court was challenged by the petitioner/ Department by way of the present writ petition and this Court at the time of admission vide order dated 04.12.2009 had ordered for grant of 25% of the back-wages to the respondent No.1/worker and the remaining part of the back-wages was ordered to be stayed.
5. The development which has transpired in between is that pending the writ petition the petitioner/Department have reinstated the respondent No.1/worker and in due course of time, the respondent No.1 has also been regularized in service vide order dated 29.08.2008.
6. During the course of hearing, the counsel for the respondent No.1/worker has given a consent for forgoing the remaining 50% of the back-wages, which has been stayed by this Court subject to the condition that the 25% of back-wages, which has been granted by this Court vide interim order dated 04.01.2009, if it has not been paid till now be paid to him immediately.
7. In view of the fact that the respondent No.1/worker has down the line been regularized in service and he has already put in around 11 years of service after regularization, this Court is of the opinion that no fruitful purpose would be served in interfering with the award to the extent of reinstatement that has been granted to the respondent No.1/worker by the Labour Court. However, the award of the Labour Court stands modified to the extent that

awarding of the back-wages from 75% that gets reduced to 25%, which if not till date paid should be paid to the respondent No.1/worker forthwith.

8. With the aforesaid modifications, the writ petition stands partly allowed and disposed off.

Sd/-
(P. Sam Koshy)
Judge

Ved