

HIGH COURT OF CHHATTISGARH, BILASPUR

- Chhattisgarh Infrastructure Development Corporation Through Managing Director, Head Office- C.G. Rajya Kaushal Vikas Pradhikaran Bhawan, 2nd Floor, Old Police Head Quarter Premises, Raipur- 492001.

Versus

1. Heeraman Banjara, S/o Mahajan Banjara, Aged About 54 Years,
R/o Village- Dumrha, Post Office- Khaprikala, Tahsil- Lormi,
District- Bilaspur, Chhattisgarh.
2. The State Industrial Court, Through Its Member Judge, Raipur,
Chhattisgarh.
3. The Presiding Officer, Through Labour Court, Bilaspur,
Chhattisgarh.

For Appellant :- Mr. R.N. Pusty, Advocate

Hon'ble Shri Prashant Kumar Mishra, Ag.CJ

Hon'ble Shri Parth Prateem Sahu,J.
Judgment On Board

By

Prashant Kumar Mishra, Ag. CJ

24/04/2019

1. I.A.No.1, application for condonation of delay of 318 days in filing the appeal.

2. On due consideration, the application is allowed and the delay in filing the appeal is condoned.
3. Heard on admission.
4. The Labour Court has passed an order of reinstatement without backwages in favour of workman which was set-aside by the Industrial Court vide the award dated 02.08.2006. The said award has been set-aside by the learned Single Judge, allowing the writ petition preferred by the workman and directing reinstatement without backwages.
5. The Industrial Court reversed the finding of the Labour Court on the ground that the workman has not proved to have worked for 240 days in the preceding calendar year. The Learned Single Judge has recorded a finding in para 9 of the order that from the reply filed by the management, it is clear that there is implied admission that workman has worked for more than 240 days. It is this finding of the Learned Single Judge which has been assailed by learned counsel appearing for the appellant.
6. We have seen the record particularly the reply filed by the management/appellant before the Labour Court and we are satisfied that there is no specific denial by the management that the workman has not worked for 240 days or more in the preceding calendar year. The only pleading by the management was to the effect that the workman was employed as Badlidar worker but has not continued after 22.12.2002, thus, the workman's plea that he has worked from 02.03.1996 till

2002 has been admitted without there being any specific plea that he was not offered employment for a period of 240 days in any calendar year.

7. In the above view of the matter, we are not inclined to interfere with the order passed by the learned Single Judge. Accordingly, the writ appeal is dismissed.

SD/-
(**Prashant Kumar Mishra**)
Acting Chief Justice

SD/-
(**Parth Prateem Sahu**)
Judge

Ayushi