

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 345 of 2017**

1. The President, Chhattisgarh Laghu Vetan Shaskiya Chaturth Varg Karmchari Sangh Rajnandgaon, Chhattisgarh Through Aggrieved Party Shri Kuleshwar Singh & Mohan Kewat

---- Appellant**Versus**

1. State Of Chhattisgarh Through Principal, Govt. Digvijay College, Rajnandgaon, District Rajnandgaon, Chhattisgarh.
2. The Presiding Officer, Labour Court, Rajnandgaon, Chhattisgarh.

---- Respondent

For Appellant

Shri K.N. Nande, Advocate

For Respondent/State

Shri Vikram Sharma, Panel Lawyer

Hon'ble Shri Prashant Kumar Mishra, Ag.CJ**Hon'ble Shri Parth Prateem Sahu, J.****Judgment on Board****By****Prashant Kumar Mishra, Ag. CJ****27-03-2019**

1. Learned Single Judge has allowed the writ petition preferred by the State challenging the order passed by the Labour Court wherein the Labour Court has directed regularization of the workmen.
2. It is settled law that the Labour Court can direct reinstatement of a workman if retrenchment is contrary to law, however, the Labour Court has no power or jurisdiction to direct regularisation of a daily wager.

3. In the impugned order itself liberty has been reserved in favour of the appellant herein to make representation to the State Government/competent authority to avail the benefit of circular dated 5-3-2008 to claim regularisation in accordance with the scheme framed by the State Government.
4. In view of the above, we dispose of this writ appeal reiterating the liberty allowed in favour of the appellant with further direction that in the event the appellant moves a representation within a period of one month from today, the competent authority shall consider and decide the representation in accordance with the circular dated 5-3-2008 within a further period of three months.
5. Accordingly, the writ appeal is disposed of.

Sd/-
(Prashant Kumar Mishra)
Acting Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge

Gowri