

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

WP No. 6156 of 2000

The Registrar, Indrakala Sangeet Vishwavidyalaya

-Versus-

Shri Ram Narayan Tiwari & Anr.

24/02/2020	Mr. H.B. Agrawal, Senior Advocate along with Ms. Richa Dwivedi, Advocate for the respondent No.1. None for the petitioner when the matter is called even on the second round. The Senior counsel appearing for the respondent No.1 submits that the matter has since become infructuous, as the award of the Labour Court which is under challenge in the present writ petition has since been implemented in its letter and spirit. The respondent No.1 has been pending the writ petition before this Court regularized vide order dated 12.08.2015, a copy of which has been produced before this Court, and on completion of two years period, the services of the petitioner has also been confirmed vide order dated 14.11.2017. The said order dated 14.11.2017 was also produced before this Court during the course of hearing. Given the said submissions made by the learned Senior counsel, this Court is of the opinion that the writ petition is left of only academic interest. Accordingly, the same stands disposed of at this juncture

reserving the right of the petitioner to approach the Court, in case if they are still interested in pursuing with the matter, by moving an appropriate application.

**Sd/-
(P. Sam Koshy)
JUDGE**

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HIGH COURT OF CHHATTISGARH, BILASPUR

MCC No. 359 of 2020

1. The Registrar, Indira Kala Sangeet Vishwavidyalaya, Through P.S. Dhruv, Registrar, Indira Kala Sangeet Vishwavidyalaya, Khairagarh, Chhattisgarh

---- Applicant

Versus

1. Shri Ram Narayan Tiwari, S/o Shri Ram Kumar Tiwari, Post - Peon, Indira Kala Sangeet Vishwavidyalaya, Khairagarh, District Rajnandgaon, C/o Shri Shiv Narayan Tiwari, Or. No. 67- H, New Police Line, 18 Acre, Rajnandgaon, District : Rajnandgaon, Chhattisgarh
2. Presiding Officer, Labour Court, Rajnandgaon, District : Rajnandgaon, Chhattisgarh

-----Respondents

For Applicant	:	Mr. Kishore Bhaduri, Advocate along with Mr. Sabyasachi Bhaduri, Adv.
For Respondents No. 1	:	None.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

14.07.2020

1. The present MCC has been filed seeking restoration of WP No. 6156 of 2000.
2. The said writ petition got disposed off vide order dated 24.02.2020, in the absence of the counsel for the petitioner. The writ petition was disposed off on the submissions made by the counsel appearing for the Respondent No. 1-workman. The submission made by the counsel for the workman that when the writ petition was disposed off, the award under challenge in the writ petition has since been implemented in its letter and spirit and in due course of time, the

Respondent No. 1 has also been regularized in service in the year 2015. A copy of the same was shown to the Court while disposal of the writ petition. Considering the aforesaid submissions made by the counsel for the applicant, this Court disposed off the writ petition. However, rights of the applicant/petitioner were reserved to approach the Court, if they still were interested in pursuing with the matter.

3. The present MCC has been filed seeking for restoration of the writ petition primarily on the ground that the legal ground raised by the applicant in the writ petition, so far as applicability of the provisions of Industrial Dispute Act, 1947 is concerned, upon the applicant's establishment-qua casual labour has not been decided by this Court. This Court having considered the submissions made by the counsel for the applicant is of the view that the said issue raised by the applicant at this juncture has now become more of an academic interest, for the reason, the applicant himself has firstly implemented the award under challenge in the writ petition in toto. Secondly, at a later stage, the applicant/petitioner themselves have also regularized the services of the respondent/workman.
4. The writ petition was of the year 2020, it was disposed off on 24.02.2020 that is almost after twenty years, much water must have flown definitely since then. Substantial right has also accrued in favour of the Respondent No. 1 during this period. If this Court entertains the MCC and decides to hear the writ petition altogether afresh on merits and if for any reason, the writ petition stands allowed, all the settled position so far as the Respondent No. 1 is concerned, would be totally unsettled and that can cause substantial

loss/damage and detriment to the interest of the Respondent No. 1 and the members of his family, who are dependent upon him. Thus, this Court is of the firm view that equity also stands in favour of the Respondent No. 1. as of now.

5. As regards, the issue raised by the petitioner/applicant so far as the applicability of the provisions of I.D. Act, 1947 upon the petitioner's establishment qua a casual labour is concerned, the issue would stand remain open for consideration in an appropriate writ petition at an appropriate stage, if filed by the petitioner/applicant. However, this Court would clarify the fact that the disposal of the original writ petition i.e., WPC No. 6156 of 2000 shall not be construed in any manner, rejection of the contentions raised by the petitioner/applicant nor should the said order be placed as a precedent.
6. The present MCC stands, accordingly disposed off. Let a copy of this Order be placed along with record of WP No. 6156 of 2000.

Sd/-
(P. Sam Koshy)
Judge