

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (L) No. 4514 of 2011

1. State of Chhattisgarh through the Secretary, Department of Water Resources, DKS Bhawan, Mantralaya Raipur (CG).
(The petitioner No.1 was not a party before the learned Labour Court but has been impleaded as petitioner No.1 in the instant petition as the proper course is to implead the State Govt. through the Secretary of the concerned Department.
2. Sub Divisional Officer, Janjgir Shakha Nahar Up-Sambhag Kramank 4, Nandeli Bhatha, Sakti Post Sakti, District Janjgir Champa (CG).

---Petitioner(s)

Versus

1. Bhushan Prasad S/o Shiv Prasad Yadav, Village, Gudhwa, Post Nagarda, Tah Sakti, Distt. Janjgir Champa, Chhattisgarh.

---Respondents

For Petitioner-State	:	Ms. Akanksha Jain, Dy. Govt. Advocate.
For Respondent	:	Shri SP Kale, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

04.01.2021

1. The challenge in the present writ petition is to the award passed by the Labour Court on 03.07.2010 in case No.07/IDA/09/Reference.
2. Vide the said impugned award the Labour Court has allowed the reference in favour of the worker respondent No.1 granting the relief of reinstatement without backwages. The award of 03.07.2010 was pronounced on 19.11.2010. The present writ petition has been filed on 08.08.2011. There was no interim order in operation against the award. That before filing of the present writ petition challenging the award itself the petitioner State had complied with the directions given by the Labour Court and have reinstated the respondent Worker w.e.f. 01.01.2011. Further pending the writ petition before this Court now the petitioner themselves have again passed an order on 14.02.2020 by which the petitioners have regularized the services of the respondent. The said order of regularization has been

brought on record by way of an application moved by the respondent worker.

3. Given the aforesaid substantial development that have transpired pending the writ petition, particularly the fact that petitioners themselves have complied with the order of the Labour Court w.e.f. 01.01.2011 and for last 10 years respondent has been working with the petitioner and the petitioners subsequently have also regularized services of the respondent, in the opinion of this Court it would not be justified at this juncture to re-appreciate the entire evidences and take a different view than that has been taken by the Labour Court and which already stands complied with in due course of time. The law of equity also runs in favour of the respondent employee.
4. With the aforesaid observations, the present writ petition stands rejected affirming the award under challenge.

Sd/-
(P. Sam Koshy)
Judge