

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (L) No. 7412 of 2010

1. State of Chhattisgarh through the Secretary Department of Water Resources, DKS Bhawan, Mantralaya, Naya Raipur (CG).

The petitioner No.1 was not a party before the 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. The Executive Engineer, Hasdeo Canal Water Management, Division Janjgir, District Janjgir Champa (CG).

---Petitioner(s)

Versus

Rameshwar Prasad Katakwar, aged about 40 years, S/o Khiruram Katakwar, Ex. Chowkidar R/o Village & Post Barra, Thana Bamhanidih, Tahsil Champa, District Janjgir Champa (CG).

---Respondents

For Petitioner-State	:	Shri Jitender Pali, Dy. Advocate General.
For Respondent	:	Shri SP Kale, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

11.06.2021

1. The present writ petition was filed challenging the award dated 01.05.2010 passed by the Labour Court, Bilaspur in case No.44/ID Act/2009 (Ref.). Vide the impugned award, the Labour Court has granted relief of reinstatement without backwages.
2. The respondent worker involved in the present case is said to have employed as daily wage worker under the petitioners during 1982 to 09.02.1995. Thereafter he was discontinued from service abruptly.

The worker thereafter raised a dispute under the Industrial Disputes Act and the matter stood referred to the Labour Court. The Labour Court taking into consideration the pleadings and the evidence which have been brought on record on either side, vide impugned award has answered the reference in the affirmative holding that the respondent worker is entitled for the benefit of reinstatement without backwages.

3. The impugned award dated 01.05.2010 was challenged by way of present writ petition which was filed by the petitioners on 13.12.2010.
4. From the documents enclosed along with the writ petition itself it shows that the respondent worker was reinstated by the authorities as early as on 14.07.2010 and from 14.07.2010 onwards the worker has been continuously working under the petitioners. Today when the matter is taken up for final hearing, the counsel for the respondent worker submits that pending the writ petition before this court the State Government itself has vide order dated 08.03.2019 regularized the services of the worker and since then he is working as a regular employee under the petitioners.
5. Given the aforesaid submission by the counsel for the respondent-worker, particularly taking note of the fact that he stood regularised in service pending the writ petition, equity stands in favour of the worker who firstly was reinstated immediately by the petitioners w.e.f. 14.07.2010 and since then he has put in a decade of continuous service and meanwhile he also stands regularized under the petitioners. Moreover, by efflux of time as the respondent worker

also has served the petitioners for quite some time and is at the fag end of his service career where only few years of service is left for his retirement on this count also it would not be justifiable at this juncture to interfere with the Award.

6. Under the circumstances, this court is inclined to dispose of the writ petition holding that the award passed by the Labour Court does not warrant any interference at this stage in the light of subsequent development that has transpired particularly in favour of the respondent-worker.
7. The writ petition accordingly stands disposed of maintaining the award passed by the Labour Court.

Sd/-
(P. Sam Koshy)
Judge

Rohit