

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**Writ Petition (L) No. 5773 of 2011**

1. State of Chhattisgarh Through the Secretary, Department of Water Resources, D.K.S. Bhawan, Mantralaya, Raipur Chhattisgarh.  
(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 Government through the Secretary of the concerned Department).
2. Executive Engineer, Hasdeo Nahar Jal Prabandhan Sambhag, Janjgir District Janjgir Champa (CG).

**---Petitioner(s)**

**Versus**

1. Haridayal Rathore S/o Tulsiram Rathore, aged about 39 years, Ex. Khalasi, R/o Village & Post Sukli, Thana Janjgir, District Janjgir Champa (CG).

**---Respondents**

|                 |   |                           |
|-----------------|---|---------------------------|
| For Petitioners | : | Shri Rahul Jha, Advocate. |
| For State       | : | Shri S.P. Kale, Advocate. |

**Hon'ble Shri Justice P. Sam Koshy**

**Order on Board**

**04.02.2021.**

1. The challenge in the present writ petition is to the award passed by the Labour Court on 23.07.2010 in case No.33/IDA/2010/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 23.07.2010 was pronounced on 19.11.2010. The present writ petition has been filed on 24.09.2011. 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. 24.11.2010.
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. 23.07.2010 and for last

12 years respondent has been working with the petitioners 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 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**

inder