

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 565 of 2021**

1. Smt. Savitri Yadav, W/o Shri Pawan Yadav, Aged About 28 Years R/o Kharaud, Tahsil Pamgarh District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
2. Smt. Sita Yadav, W/o Shri Horilal Yadav, Aged About 40 Years R/o Kharaud, Tahsil Pamgarh District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
3. Smt. Savita Yadav, W/o Hulas Yadav, Aged About 39 Years R/o Kharaud, Tahsil Pamgarh District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
4. Smt. Kalpana Yadav, W/o Shri Faguram Yadav, Aged About 34 Years R/o Kharaud, Tahsil Pamgarh District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
5. Smt. Kamleshwari, W/o Shri Ramkrishna Yadav, Aged About 32 Years R/o Kharaud, Tahsil Pamgarh District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
6. Smt. Ranika Tandon, W/o Shri Narayan Tandon, Aged About 24 Years R/o Kharaud, Tahsil Pamgarh District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
7. Smt. Asha Banjare, W/o Shri Kartik Ram Banjare, Aged About 32 Years R/o Kharaud, Tahsil Pamgarh District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
8. Smt. Gayatri Rohidas, W/o Shri Jhumuklal, Aged About 46 Years R/o Kharaud, Tahsil Pamgarh District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Petitioners**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Panchayat, Mahanadi Bhawan, Mantralaya Atal Nagar, New Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Collector, Janjgir Champa District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

3. Labour Officer, Janjgir Champa District Janjgir Champa Chhattisgarh.,
District : Janjgir-Champa, Chhattisgarh
4. Chief Nagar Palika Adhikar, Nagar Panchayat Kharaud, District Janjgir
Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Respondents

For Petitioners : Shri Ramayan Prasad yadav, Advocate.

For State : Shri Aditya Bhardwaj, PL

Hon'ble Shri Justice P. Sam Koshy

Order on Board

22.02.2021

1. Present writ petition has been filed seeking for a direction to reinstate the petitioner in service.
2. According to the petitioners, all the petitioners have put in more than a couple of years of service with the respondents and abruptly without any notice or any allegation of misconduct or unsatisfactory work they were discontinued from service. Therefore the action on the part of the respondents amount to illegal termination and also in violation of the provisions of the Industrial Disputes act.
3. Considering the fact that admittedly the petitioners were substantively engaged as Daily Wage Employee and their status all along was of Daily Wage Worker, this Court is of the firm view that no indefeasible right as such has accrued in favour of the petitioner for any protection of the service or the services being engaged on permanent basis. The nature of appointment of the Daily Wage Employee is always on need basis as and when there is availability of work and also to the extent of availability of work. The moment the assigned work is over, the services automatically stands discontinued. It is always for the

authorities to decide as to what period should a Daily Wage Employee be kept in service.

4. In the given circumstances and facts, this Court is of the firm view that no Writ of any nature can be issued at this juncture directing the respondents to take back the petitioners in employment. However, in case if the petitioners feel that order of discontinuance is one which is violative of the provisions of the Industrial Disputes Act, the option available for the petitioners is to approach the concerned forums available under the I.D. Act for ventilating his grievance.
5. Reserving the right of the petitioner to avail such remedies, the writ petition at this juncture stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Rohit