

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (L) No. 300 of 2014

1. State Of Chhattisgarh And Anr. Through The Secretary Department Of Water Resource Mahanadi Bhawan Mantralaya Naya Raipur C.G. ,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 Govt. through the Secretary of the concerned department)

2. The Sub Divisional Officer Janjgir Branch Canal, Sub Division No. 1, Janjgir District Janjgir Champa C.G.

---- Petitioners

Versus

1. Nishikant Vishwas S/o Late K.N.Vishwas Through D.Apparao Hemunagar, Chamru Gali, P.S. Tarbahar, District Bilaspur, Cg, Chhattisgarh

---Respondent

For Petitioner-State	:	Shri Jitendra Pali, Dy. A.G.
For Respondent	:	Shri S. P. Kale, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

22.06.2021

1. The present writ petition was filed challenging the award dated 16.12.2013 passed by the Labour Court, Janjgir Champa in case No.96/I.D.A/2012 (Ref.). Vide the impugned award, the Labour Court has granted the 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 01.03.1983 to 31.12.1994. 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 16.12.2013 was challenged by way of present writ petition which was filed by the petitioners on 10.12.2014.
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 30.01.2014 and from 30.01.2014 onward the worker has been continuously working under the petitioners.
5. Today when the matter is taken up for final hearing, counsel for the respondent worker submits that pending the writ petition before this Court the State Government itself has vide order dated 28.02.2020 regularized the services of the worker and since then he is working as a regular employee under the petitioners.
6. Given the aforesaid submission by the counsel for the respondent-worker, particularly taking note of the fact that the petitioner stood reinstated in service pending the writ petition, the equity stands in favour of the worker who firstly was reinstated immediately by the petitioners w.e.f. 30.01.2014 and since then he has put in more than 6 years of continuous service and meanwhile he also stands regularized under the petitioners. Moreover, by efflux of time the respondent worker has also 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.

7. 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.
8. The writ petition accordingly stands disposed of maintaining the award passed by the Labour Court.

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