

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (L) No. 5344 of 2011**

1. State Of Chhattisgarh through the Executive Engineer, Hasdeo Barrage Management Division, Rampur, Korba, District Korba, Chhattisgarh
2. Sub Divisional Officer, Hasdeo Barrage, Water Management Sub Division, Darri, Korba, District Korba, Chhattisgarh

Represented through Shri S. N. Singh S/o late Shri S. M. Singh, presently posted as Executive Engineer, Hasdeo Baraj Division, Korba, District Korba, Chhattisgarh and officer in charge of the case

---- Petitioners

Versus

- Urmila Bai D/o Jethu Ram, R/o Darri Basti, Post Jamnipali, Distt. Korba, Chhattisgarh

---- Respondents

For Petitioners	:	Ms. Hamida Siddiqui, Dy. A.G.
For Respondent	:	Mr. S. P. Kale, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****27.01.2021**

1. The challenge in the present writ petition is to the award passed by the Labour Court on 15.12.2010 in Case No.10/ID Act/20009/Reference. Vide the said impugned award the Labour Court has allowed the reference in favour of the worker respondent granting the relief of reinstatement without back wages.
2. The award of 15.12.2010 was pronounced on 29.03.2011. The present

writ petition was filed on 25.08.2011. 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 reinstated the respondent Worker w.e.f. 09.05.2011 and thereafter the petitioner is continuously working and now she has also been regularized vide order dated 23.06.2020.

3. Before the dispute was raised the respondent-worker had worked with the petitioner from 01.03.1992 to 28.02.1995. The worker got examined himself and on behalf of the State, one Subhash Agrawal was examined. The worker has exhibited Annexure P-1 before the Labour Court which is an experience certificate issued by the then SDO certifying the work rendered by the worker from 01.03.1992 to 28.02.1995. The witness on behalf of the State has accepted the issuance of the said experience certificate and has also accepted the fact that the said certificate was issued by the then SDO on the basis of the muster roll that was maintained in the Department which has led to the inference drawn by the Labour Court of the worker having worked continuously for the period of more than 240 days.
4. Given the aforesaid substantial development that has transpired pending the writ petition, particularly the fact that the petitioners themselves have complied with the order of the Labour Court and reinstated the respondent worker w.e.f. 09.05.2011 and for last about 10 years respondent has been working with the petitioners and the petitioners subsequently have also regularized the services of respondent-worker, 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.

5. With the aforesaid observation, the present writ petition stands rejected affirming the award under challenge.

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