

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (L) No. 138 of 2014

1. State of Chhattisgarh through the Secretary Department of Water Resources, Mahanadi 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 Barrage Water Management Division, Rampur, Korba PS Rampur, Tehsil and District, Korba (CG).

---Petitioner(s)

Versus

1. Rajendra Prasad Nayak S/o Shri Harinath Nayak, aged about 43 years, R/o Qtr. No.B-643, Block-2, Yamuna Vihar, Jamnipali, PS Jamnipali, Korba, District Korba (CG).
2. The Presiding Officer, Labour Court, Korba (CG).

---Respondents

For Petitioner-State	:	Ms. Sunita Jain, Govt. Advocate.
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 22.01.2014 pronounced on 28.02.2014 by the Labour Court, Korba in case No.06/ID Act/2008 (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 04.12.1989 to 28.02.1995. 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 22.01.2014 was challenged by way of present writ petition which was filed by the petitioners on 15.07.2014.
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 21.03.2014 and from 21.03.2014 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 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. 21.03.2014 and since then he has put in more than 7 years 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.
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