

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (L) No. 166 of 2014

1. State Of Chhattisgarh Through Secretary, Water Resources Department, Mahanadi Bhawan, Naya Mantralaya, Naya Raipur, P.S. Mandir Hasaud, Raipur, Chhattisgarh

(Petitioner No.1 was not a party before the learned Labour Court but has been impleaded as petitioner No.1 herein as it is necessary to implead the State Govt. through the Secretary of concerned Department.)

2. The Executive Engineer, Hasdev Barrage Water Management Division, Rampur, P.S. Korba, District Korba (CG)
3. The Sub Divisional Officer, Hasdev Barrage Water Management Sub Division, Darri, P.S.Darri, District Korba (CG)

---- Petitioners

Versus

1. Smt. Ramkunwar W/o Pawan Singh, R/o Purani Basti, Darri, Behind the house of Dr. Pandey, Post Jamnipali, P.S. Korba, District Korba (CG)
2. The Presiding Officer, Labour Court, Korba, P.S. Korba, District Korba (CG)

---Respondent

For Petitioner-State	:	Ms. Sunita Jain, Govt. Advocate
For Respondent	:	Shri Vinod Deshmukh, Advocate.

Hon'ble Shri Justice P. Sam Koshy
Order on Board

28.06.2021

1. The present writ petition was filed challenging the award dated 26.02.2014 passed by the Labour Court, Korba in Case No. 26/ID

Act/2009 (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 from 01.03.1990 to 28.02.1995. Thereafter the worker was discontinued from service abruptly. The worker 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 26.02.2014 was challenged by way of present writ petition which was filed by the petitioners on 29.08.2014.
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 02.05.2014 and from 02.05.2014 onwards 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 18.02.2019 regularized the services of the worker and since then she 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 respondent-worker 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. 02.05.2014 and since then she has put in more than 7 years of continuous service and meanwhile she 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 her service career where only few years of service is left for her 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**