

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (L) No. 152 of 2016

1. State Of Chhattisgarh Through Secretary, Department Of Water Resources, Mahanadi Bhawan, Capital Complex, Naya Mantralaya, Raipur, Dist. Raipur, 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 Government Through The Secretary Of The Concerned Department)
2. The Executive Engineer, Hasdeo Barrage, Water Management Division, Rampur, Korba, District Korba, Chhattisgarh
3. The Sub Divisional Officer, Hasdeo Barrage, Water Management Subdivision, Darri, District Korba, Chhattisgarh

---- Petitioners

Versus

- Hemant Kumar Nayak S/o Shri Harinath Nayak, Through Shri S. L. Patel, Quarter No.- B/ 643 Block, Yamuna Bihar Jamnipali, District Korba, Chhattisgarh

---Respondent

For Petitioner-State	:	Ms. Sunita Jain, Govt. Advocate
For Respondent	:	Shri S. P. Kale, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

21.06.2021

1. The present writ petition was filed challenging the award dated 30.01.2016 passed by the Labour Court, Korba in case No. 31/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 during 01.01.1989 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 30.01.2016 was challenged by way of present writ petition which was filed by the petitioners on 26.07.2016.
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 01.06.2016 and from 01.06.2016 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 23.06.2020 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. 01.06.2016 and since then he has put in about 5 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**

Khatai