

P.R. No. 3226/06  
Presented by Shri S. Shrivastava  
dated 29/6/06

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**BEFORE THE HONOURABLE HIGH COURT OF CHHATTISHGRAH,  
AT BILASPUR (C.G.)**

**SINGLE BENCH**

Writ Petition No. 3167 / 2006.

**Petitioner :** Aaslam Khan son of Mustafa Khan.  
Resident of Camp No. 1 near Teen Darshan Mandir.  
Ward No. 18, Bhilai Nagar, Tahsil and Distt. Durg  
(C.G.)

**Vs.**

**Respondent:** The Chhattisgarh, Infra Structural Development  
Corporation, D.K. Square. Near Mantralaya, Tahsil  
and Distt. Raipur.

**Petition under Art. 226/227 of the Constitution  
of India, for issuance of Write, in the nature  
of Certiorary, Mandamus, Prohibition and  
for other suitable write, orders or directions.**

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## आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p><b>30-6-2006:-</b></p> <p>Shri Rajeev Shrivastava with Shri Indrasen Sahu, counsel for the petitioner.</p> <p>By the instant petition, the petitioner has questioned legality, propriety and correctness of the appellate order dated 16-11-2005 passed by the State Industrial Tribunal Chhattisgarh, Raipur in Civil Appeal No.50/CGIRAct/A-II/2005 whereby the learned Industrial Tribunal set aside the order of Labour Court, Durg dated 2-2-2005 by which the Labour Court allowing the petitioner's application directed the respondent to take him on work. The petitioner has also questioned the order passed by the State Industrial Tribunal dated 19-4-2006 passed on the review petition filed by the petitioner.</p> <p>I have heard learned counsel for the petitioner on admission and perused the order of Labour Court as well as Appellate Court.</p> <p>Perusal of the record shows that in the year 1995 the petitioner was allowed to work as "Badli Worker" in the M.P.S.R.T.C. and he continued up to August, 1999, when he met with an accident and in that he received injuries including eye injury as a result of which he became incapacitated to work as driver. He underwent a treatment and thereafter as per the record, he moved an application on 9-12-2002 before the Depot Manager, Durg for taking him on duty and giving some alternative job, but as per the allegation of the petitioner, the Depot Manager removed him with effect from 11-8-99. Thereafter, he filed the claim before the Labour Court on 13-2-2003, that was time barred because period of limitation is one year.</p> <p>Perusal of the impugned order shows that by adducing a legal and clinching evidence, the petitioner failed to establish that he worked for</p>	

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## आदेश पत्रक (पूर्वानुबद्ध)

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	<p>about 240 days in a year, therefore, it has been held that he is not entitled for the benefit of Section 31 (3) of the Industrial Disputes Relation Act, 1961. The finding of learned Tribunal is based on the appreciation of evidence and the petitioner has not been able to show on record that the petitioner was absorbed against the regular service, he was simply a Badli Worker, that too he failed to establish that he worked for 240 days in a year.</p> <p>In the circumstances, the petitioner has not been able to make out a case for interference by this Court under Article 226/227 of the Constitution of India. The petition is devoid of merit, same is liable to be dismissed and it is hereby dismissed. No costs.</p>	<p>Sd/- L.C. Bhadoo Judge</p>

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16/11/2006