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Division Bench

**BEFORE THE HON'BLE HIGH COURT OF
CHHATTISGARH AT BILASPUR**

Writ Appeal No. 90 Of 2009.

APPELLANT

Respondent No.1
(Petitioner in the
Labour Court)

:: Arvind Sonkar, S/o. Shri
Gangaram, aged about 40
years, through Devendra
Cycle Stores, Nandani
Chowk, Rajnandgaon (C.G.)

Versus

RESPONDENTS

:1) State of Chhattisgarh D.F.O.
Bhanupratappur, West Kanker
(C.G.)

PETITIONER

(Defendant No.1
in the Labour Court)

:2) Managing Director, Zila
Vanopaj Sahkari Sangh
Maryadit, Bhanupratappur,
West Kanker (C.G.)

RESPONDENT No.2

(Defendant No.2
in the Labour Court)

P.R. No. 1857/09
Presented by Sri S.K. Gupta
dated 02/04/09
J21u/09 11:05 AM



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**APPEAL UNDER SECTION 2 CLAUSE (1) OF THE
CHHATTISGARH HIGH COURT (APPEAL TO
DIVISION BENCH) ACT RULES 2006.**



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HIGH COURT OF CHHATTISGARH AT BILASPUR

DB: Hon'ble Shri Justice I.M. Quddusi and
Hon'ble Shri Justice Prashant Kumar Mishra

Writ Appeal No.89 of 2009

Appellant

Puna Ram Yadav

versus

Respondents

State of Chhattisgarh and
another

Present:

Shri H.B.Agrawal, Senior Advocate with Smt. Meera Jaiswal, counsel
for the appellant.

Shri Ajit Singh, Panel Lawyer for the State/respondent No.1.

Shri A.S.Kachhawaha, counsel for respondent No.2.

Appeal under Section 2 Clause (1) of the Chhattisgarh High Court
(Appeal to Division Bench) Act, 2006

Writ Appeal No.90 of 2009

Appellant

Arvind Sonkar

versus

Respondents

State of Chhattisgarh and
another

Present:

Shri H.B.Agrawal, Senior Advocate with Smt. Meera Jaiswal, counsel
for the appellant.

Shri Amrito Das, Panel Lawyer for the State/respondent No.1.

Shri A.S.Kachhawaha, counsel for respondent No.2.

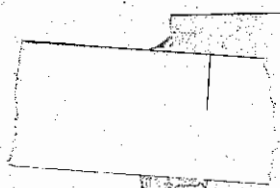
Appeal under Section 2 Clause (1) of the Chhattisgarh High Court
(Appeal to Division Bench) Act, 2006

ORAL JUDGMENT

(Delivered on 30th March, 2010)

Per I.M. Quddusi, J.:

Learned counsel appearing for the parties are heard finally.





2. Disposal of Writ Appeal No.89/2009 shall also govern the disposal of Writ Appeal No.90/2009, as they arise out of a common order dated 5-3-2009 passed by the learned Single Judge in Writ Petitions (L) No.2760/2008 and 2761/2008. By the impugned order dated 5-3-2009, both the writ petitions preferred by the State of Chhattisgarh through Divisional Forest Officer, Bhanupratappur, West Kanker (Chhattisgarh) have been allowed and the order dated 7-12-2007 passed by the Labour Court, Rajnandgaon has been quashed.

3. Brief facts of the case are that the appellants Puna Ram Yadav and Arvind Sonkar were appointed as daily wager though the appellants had raised a plea before the Labour Court that they were appointed under the Divisional Forest Officer but the xerox copies of the documents annexed with the writ petitions show that they were appointed on daily wage basis by the Managing Director of the Zila Vanopaj Sahkari Sangh Maryadit, Bhanupratappur, West Kanker and their services were dispensed with vide order dated 7-3-2000, a xerox copy of which is annexed as Annexure R-2/1 with the return of the said Managing Director/respondent No.2 in both the writ petitions. Further, the Managing Director/respondent No.2 has also filed xerox copy of a document with Writ Petition (L) No.2760/2008, which is the certificate and voucher of muster roll No.6202/36, showing payment of wages of Rs.6,351/- by the Managing Director for the period from 1-4-1994 to 30-4-1994 and has also filed xerox copy of another document with Writ Petition (L) No.2761/2008 as Annexure R-2/3, which is the certificate and voucher of muster roll No.6202/08, showing payment of wages of Rs.5,242/- by the Managing Director for the period from 1-3-1994 to 30-3-1994. Copy of the muster roll, issued on 1-4-1994, in which name

of the appellant Puna Ram finds place at Sl.No.7 (Part of Annexure R-2/3 annexed with Writ Petition (L) No.2760/2008), shows that the appellant Puna Ram worked for 26 days. Copy of the muster roll, issued on 1-3-1994, in which name of the appellant Arvind finds place at Sl.No.3 (Part of Annexure R-2/3 annexed with Writ Petition (L) No.2761/2008), shows that the appellant Arvind also worked for 26 days. It appears that an objection was raised before the Labour Court that the appellants were appointed by the Managing Director/respondent No.2 and that the Zila Vanopaj Sahkari Sangh Maryadit, Bhanupratappur, West Kanker is a co-operative society registered under the Chhattisgarh Co-operative Societies Act, 1960 and as such the dispute is not within the jurisdiction under the Industrial Disputes Act, 1947, but the Labour Court, ignoring the same and relying on the averments made by the appellants, passed the order dated 7-12-2007 in their favour.

4. After perusing the documents, we are of the firm view that the finding of the Labour Court is totally perverse and contrary to the documentary evidence. The appellants were not at all appointed either by the Managing Director of the Zila Vanopaj Sahkari Sangh Maryadit, Bhanupratappur, West Kanker, which is a co-operative society registered under the Chhattisgarh Co-operative Societies Act, 1960 and, therefore, the Industrial Disputes Act, 1947 would not be applicable in the present case. Accordingly, the impugned order dated 7-12-2007 passed by the Labour Court, Rajnandgaon was without jurisdiction.





5. With the aforesaid observations, both the writ appeals are dismissed. There shall be no order as to costs.

6. A copy of this judgment be placed on the record of the connected writ appeal.

Sd/-
I.M. Quddusi
Judge

Sd/-
Prashant Kumar Mishra
Judge