

(1) 27/10/04 3

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P NO 416/2004

PETITIONER:

Netram, S/o Ratanram, aged
about 40 years,
Village Borid, Post Phingeshwar
Distt. Raipur (CG)

Vs.

RESPONDENTS:

P.R. No. 401/04
Presented by Shri. Usha Desai
dated 06.02.04

1. State of Chhattisgarh,
Through Collector
Raipur (CG)
2. The Range Officer, East
Forest Div. Fingeshwar
Tah. Rajim, Distt. Raipur
Chhattisgarh

PETITIONER UNDER ARTICLE 226/227 OF THE CONSTITUTION OF
INDIA

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(17)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. No. 398 of 2004

PETITIONER : Rikhi Ram

VERSUS

RESPONDENTS : State of Chhattisgarh & another

W.P. No. 440 of 2004

PETITIONER : Radhelal

VERSUS

RESPONDENTS : State of Chhattisgarh & another

W.P. No. 399 of 2004

PETITIONER : Chumman Lal

VERSUS

RESPONDENTS : State of Chhattisgarh & another

W.P. No. 400 of 2004

PETITIONER : Santosh Kumar

VERSUS

RESPONDENTS : State of Chhattisgarh & another

W.P. No. 415 of 2004

PETITIONER : Labha

VERSUS

RESPONDENTS : State of Chhattisgarh & another

W.P. No. 416 of 2004

PETITIONER : Netram

VERSUS

RESPONDENTS : State of Chhattisgarh & another

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W.P. No. 417 of 2004

PETITIONER : Om Prakash

VERSUS

RESPONDENTS : State of Chhattisgarh & another

W.P. No. 418 of 2004

PETITIONER : Pardeshi Ram

VERSUS

RESPONDENTS : State of Chhattisgarh & another

W.P. No. 419 of 2004

PETITIONER : Vishwanath

VERSUS

RESPONDENTS : State of Chhattisgarh & another

W.P. No. 455 of 2004

PETITIONER : Punit Ram

VERSUS

RESPONDENTS : State of Chhattisgarh & another

W.P. No. 456 of 2004

PETITIONER : Ganga Ram

VERSUS

RESPONDENTS : State of Chhattisgarh & another

W.P. No. 484 of 2004

PETITIONER : Babulal

VERSUS

RESPONDENTS : State of Chhattisgarh & another

W.P. No. 485 of 2004

PETITIONER : Ramadhar

VERSUS

RESPONDENTS : State of Chhattisgarh & another

W.P. No. 526 of 2004

PETITIONER : Dwarika

VERSUS

RESPONDENTS : State of Chhattisgarh & another

W.P. No. 525 of 2004

PETITIONER : Pilaram

VERSUS

RESPONDENTS : State of Chhattisgarh & another

W.P. No. 550 of 2004

PETITIONER : Babu Ram

VERSUS

RESPONDENTS : State of Chhattisgarh & another

W.P. No. 504 of 2004

PETITIONER : Chandulal

VERSUS

RESPONDENTS : State of Chhattisgarh & another

W.P. No. 587 of 2004

PETITIONER : Hiram

VERSUS

RESPONDENTS : State of Chhattisgarh & another

W.P. No. 505 of 2004

PETITIONER : Bhagchandra

VERSUS

RESPONDENTS : State of Chhattisgarh & another

W.P. No. 506 of 2004

PETITIONER : Bhodhanram

VERSUS

RESPONDENTS : State of Chhattisgarh & another

W.P. No. 527 of 2004

PETITIONER : Heera Ram

VERSUS

RESPONDENTS : State of Chhattisgarh & another

(WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA)

(SB: Hon'ble Mr. N.K. Agarwal, J.)

Present : Shri Vinod Deshmukh, Advocates for the petitioner.
Shri Arun Sao, Deputy Advocate General for the State.

ORAL ORDER

(Passed on 31.10.2013)

1. All the above mentioned petitions involve common facts and common questions of law and, as such, require consideration and disposal by the common order, leading case of which is WP No. 398 of 2004.
2. Facts of the case are that all the petitioners were muster-roll employees with the respondent-State. Services of petitioners were

discontinued w.e.f. 01.10.1999. Dispute was raised by them under Section 10 of the Industrial Disputes Act, 1947.

3. The matter was referred to the Labour Court to decide the issue "whether the order of termination from service is valid, if not, for what relief they are entitled and what instruction can be given to the employer." However, the Labour Court, without deciding the issue referred to it, dismissed the reference holding that they are not daily wager employees and as per government's order dated 31.12.1988 they have been removed from services. Undisputedly, on the face, the question referred to the Labour Court has not been decided, therefore, the order impugned is not sustainable in law and deserves to be set aside.
4. For the reasons mentioned hereinabove, the petitions are allowed in part. The order impugned is hereby set aside. The matters are remitted back to the Labour Court with a direction to decide the issue, which has been referred to it, strictly in accordance with law afresh.
5. Parties are directed to appear before the Labour Court, Raipur, on 09.12.2013. No order as to costs.

Sd/-
N. K. Agarwal
Judge