

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (L) No.134 of 2017**

Rambhajan Mishra S/o Late Shri Ramprasad Mishra, Aged About 57 Years R/o Village- Dhobahar, Tehsil- Marwahi, Police Station Marwahi, District Bilaspur, Chhattisgarh.

---- Petitioner**Versus**

1. State of Chhattisgarh Through Its Secretary, Department Of Forest, Mahanadi Bhawan, New Mantralaya, New Raipur, District Raipur, Chhattisgarh.
2. Divisional Forest Officer, Marwahi Division Marwahi, District- Bilaspur, Chhattisgarh.
3. Range Officer, Gaurela Forest Range (General) District- Bilaspur, Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Anshuman Shrivastava, Advocate.
For respondent	:	Shri D.R. Minj, Dy. Govt. Advocate.

SB: Hon'ble Shri Justice P. Sam Koshy**Order On Board****30/06/2017**

1. Challenge in the present writ petition is to the award dated 08.10.2015 passed by the Labour court, Bilaspur, in Case No.12/ID Act/Ref./2014. Vide the impugned order, the court below had decided the claim application of the petitioner in his favour granting him the relief of reinstatement without backwages.
2. The present petition has been filed by the petitioner assailing the award impugned to the extent of denial of backwages.
3. Counsel for the petitioner submits that denial of backwages by the court below is bad in law for the reason that delay on the part of petitioner in raising industrial dispute has been properly explained

before the Labour Court and the Labour Court has wrongly appreciated the said same. It is also contended that the delay part has already been considered by this court on an earlier occasion in Writ Petition (L) No.211 of 2013 whereby the decision of the conciliation officer refusing to make reference on delay was set aside and the appropriate authority was ordered for making a reference to the concerned Labour Court for adjudication upon the dispute raised by the petitioner on merits.

4. This court considering the submissions made on behalf of the counsel for the petitioner, is not inclined to admit the petition for two reasons; firstly, the impugned award has been passed on 08.10.2015 and the present writ petition has been filed after a period of a little short of two years on 15.06.2017. The petitioner has not given any proper explanation as to why he took a period of almost two years in filing the present petition to assail the denial of backwages. Secondly, admittedly the services of the petitioner stood discontinued by the respondents in the year 1998 and for the first time he had raised industrial dispute before the conciliation officer in the year, 2013 i.e. after lapse of about 15 years. Another aspect which also cannot be brushed aside is the fact that the status of the petitioner was that of daily wage worker and if the daily wage worker himself was not vigilant enough to assail the alleged illegal termination before the competent court at the relevant time, he cannot subsequently turn back and seek for the relief of backwages.
5. Thus, in the given factual matrix of the case, the Labour court has

rightly denied the claim of backwages on the principle of 'No Work No Pay'. However, at this juncture, the petitioner submits that the petition of the State challenging the award is pending and the dismissal of this petition may have an adverse impact on the petitioner who is a respondent in the said case.

6. This court has no hesitation in reaching to the conclusion that the grounds of challenge in the two writ petitions are entirely different and therefore the rejection of this petition should not have any impact on the merits of that writ petition.
7. Accordingly, no strong case is made out for interference. The petition thus fails and is therefore dismissed. No order as to costs.

Sd/-

(P.Sam Koshy)
Judge

inder