



Reserved on 16.02.2026

Delivered on 16.06.2026

Uploaded on 16.06.2026

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPL No. 160 of 2024

Food Corporation of India Through Area Manager, Near Maharana Pratap Chawk,
Bilaspur C.G.

... Petitioner

versus

1. Anil Kumar Dhopte C/o Shri Mahesh Prasad Gorakh Ramdas Nagar, Shivji Marg Tikrapara, Bilaspur Tahsil and District Bilaspur C.G.
2. The Union of India Through Secretary, Ministry of Labour Delhi, Delhi
3. The Central Of Government Of Industrial Tribunal Cum Labour Court Jabalpur M.P.

... Respondents

For Petitioner	:	Mr. R. S. Patel, Advocate
For Respondent No.1	:	Mr. K. A. Ansari, Sr. counsel with Mr. Aman Ansari, Advocate
For Respondent Nos.	:	Mr. Tushar Dhar Diwan, Advocate
<u>2 & 3</u>		

Hon'ble Shri Justice Sachin Singh Rajput

C A V Order

This petition has been filed by the petitioner assailing the award dated 27.06.2014 (Annexure P-1) published on 25.08.2014, passed by the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur, Madhya Pradesh in Case No. CGIT/LC/R/311/97 whereby the Tribunal directed that the services of the respondent-workman be considered for regularization within a period of 30 days from the date of the reference order i.e., 12.11.1997. The learned Tribunal further directed the petitioner to extend consequential benefits to the workmen

within 30 days from the date of notification of the award.

2. The facts emerging from the writ petition reveal that vide letter dated 12.11.1997, a reference was made by the Government of India, Ministry of Labour to the Central Government Industrial Tribunal-cum-Labour Court under Section 10 of the Industrial Disputes Act, 1947. The reference reads as under:—

"Whether the demand of Shri Anil Kumar Dhopte and 19 other casual workers (list enclosed) of FSD/FCI Bilaspur for regularization of their services in FCI is legal and justified? If so, to what relief are the workmen entitled and from which date?"

3. Thereafter, notices were issued to the parties and pursuant to which the statement of claim was filed by the workmen. It was contended therein that the workmen had been working with the contractor of the Food Corporation of India from the years 1976 to 1978. Subsequently, the workmen were engaged under the mate system from September, 1989 to December, 1994, and thereafter under the direct payment system from January, 1994 onward. On the aforesaid basis, the workmen sought regularization of their services with the Food Corporation of India.

4. Learned counsel for the petitioner submits that the award passed by the CGIT is bad in law as the Tribunal failed to appreciate the evidence brought on record in its proper perspective. It is contended that the respondent-workmen were engaged as casual employees and therefore, there could be no direction for their regularization. In support of his submission, learned counsel placed reliance upon the judgment of this Court in **WPL No. 90 of 2015 (Sr. Regional Manager, Food Corporation of India and another vs. The President, Dainik Vetan Bhog)**, decided on 01.11.2023.

5. Per contra, learned counsel for respondent No. 1 submits that even casual labourers can be regularized in view of the law laid down by the Hon'ble Supreme Court in ***Food Corporation of India vs. General Secretary, Food Corporation of India Employees Union and others*** reported in **(2018) 9 SCC 464**. It is further submitted that the workmen were initially engaged through a contractor from the year 1970 and thereafter continued to work under the direct payment scheme. Merely because the posts have been declared as a dying cadre would not disentitle the workmen from seeking regularization particularly when the litigation has been pending for a long period. It is contended that there is no illegality, perversity or material irregularity in the impugned award warranting interference by this Court.

6. Heard learned counsel for the parties, perused the pleadings and examined the record available before this Court.

7. The principal challenge made by the petitioner is that the cadre in which the respondent-workmen seek regularization has been declared a dying cadre and, therefore, no direction for regularization could have been issued by the Tribunal. The said contention does not appear to merit acceptance.

8. The CGIT while passing the award has held that from the material on record it is clear that all workmen were working with the FCI Godown at Jabalpur since long. The CGIT has further observed that initially the workmen were working under Contractors and thereafter under mate system and then under direct payment system. On the basis of evidence available on record, the CGIT further observed that the job being done by the workmen was of perennial nature as they were continuously working for a very long time. The CGIT after appreciating the oral and documentary evidence on record concluded that since

the workmen were performing the job of perennial nature with the FCI under the Contractor, mate system and direct payment system and after abolition of contract system in view of the notification issued by the Government of India on 01.11.1990, the workmen therefore become employee of the FCI and therefore the FCI had agreed to departmentalize the employees in 16 depots on the ground that there was no justification to deny such facility to the employees working in other depots. In sum and substance, the claim raised by the workmen including the respondent No.1 herein regarding regularization of their services was held to be justified, and accordingly the reference was answered in affirmative.

9. In the matter of **Food Corporation of India vs. General Secretary, Food Corporation of India Employees Union and others** reported in **(2018) 9 SCC 464** where the contract labour agreement had come to an end in the year 1991 and was not renewed thereafter, the Supreme Court has refused to interfere with similar order directing departmentalization passed by the CGIT in the State of Tamil Nadu which was affirmed by the Madras High Court. In yet another matter between **Food Corporation of India vs. Head Load Labour Congress and another** reported in **(2018) 17 SCC 92** it has again been observed by the Supreme court that the award directing FCI to give benefit of regularization to the workers in the FCI consequent upon abolition of contract labourer system in relation to branch office at Chennai has attained finality, therefore, the High Court has not committed any error in allowing the writ petition directing FCI to give benefit of the said award to the members of workers' union who were working in two depots at Kerala finding no similarity in two sets of these cases. As regards the contention of the counsel for the petitioner that on account of the cadre being declared a dying one, no regularization can be resorted to, does not appeal to the judicial conscience of this Court for the reason that merely

because the posts have been declared as a dying cadre would not disentitle the workmen from seeking regularization particularly when the litigation has been pending for a long period. Moreover, this Court cannot lose sight of the fact that the dying cadre becomes effective in future and cannot be held to be retroactive.

10. In the considered opinion of this Court, the Tribunal has rightly held that the declaration of the cadre as a dying one does not create a legal bar to the grant of relief in favour of the respondent-workmen. The impugned award is founded upon proper appreciation of evidence and sound principles of industrial jurisprudence. No jurisdictional error, perversity, or patent illegality has been demonstrated warranting interference in exercise of writ jurisdiction. Consequently, the award passed by the Central Government Industrial Tribunal-cum-Labour Court deserves to be affirmed.

11. In aforesaid view of the matter, the view taken by the CGIT holding the demand of the workmen including the respondent herein for their departmentalization to be just and legal appears to be in complete harmony with the legal position holding the ground, and being so, this petition is quite unmerited and without any substance. It is thus rendered liable for dismissal and so is the fate thereof. Petition thus fails and is dismissed but without any cost.

Sd/-

**(Sachin Singh Rajput)
Judge**

Jyotishi/Pawan

**AVANISH
JYOTISHI**

Digitally signed by
AVANISH JYOTISHI
Date: 2026.06.16
17:37:57 +0530