



2026:CGHC:260-FB



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WA No. 355 of 2014**

Surit Ram S/o Fagulal Aged About 48 Years R/o Village Hatod, Police Station Kasdol, Tahsil Kasdol, Distt Baloda Bazar (Old District Raipur), (CG)

--- Appellant(s)**versus**

1. State of Chhattisgarh Through Its Secretary, Govt. Of Chhattisgarh, Department Of Water Resource, DKS Bhawan, Mantralaya, Now Present Address Mahanadi Bhawan, PS Rakhi, New Raipur, Dist Raipur, Chhattisgarh
2. State Industrial Court, Through Its Registrar, Raipur, District : Raipur, Chhattisgarh

--- Respondent(s)**WA No. 317 of 2014**

Ramkhilawan Sahu S/o Ganga Prasad Sahu Aged About 50 Years old, R/o Village Kharche, PO Kasdol, Distt Raipur, Chhattisgarh

---Appellant(s)**Versus**

1. Executive Engineer Construction Division Water Resources Deptt. Kasdol, Distt Raipur, Chhattisgarh



2. Sub Divisional Officer, Ballar Canal Sub Division Kasdol, Tah Kasdol,
Distt Raipur, Chhattisgarh

--- Respondent(s)

WA No. 378 of 2014

Janak Ram S/o Tir Singh Patel (wrongly mentioned as Vir Singh Patel in
Writ Petition) Aged About 48 Years R/o Village Hatod, PS And PO
Kasdol, Distt Raipur, Now Distt Baloda Bazar, Chhattisgarh

---Appellant(s)

Versus

1. State Of Chhattisgarh Through The Secretary, Water Resources Deptt.,
Mahanadi Bhawan, PS Rakhi, New Raipur, Dist Raipur, Chhattisgarh
2. Superintendent Engineer Water Resources Deptt. Raipur, Dist Raipur,
Chhattisgarh
3. Executive Engineer Water Resources Division, Baloda Bazar, Distt
Raipur, Chhattisgarh
4. Sub Divisional Officer, Water Resources Sub Division, Kasdol, Tehsil
Kasdol, Dist Raipur, Chhattisgarh
5. Presiding Officer, Industrial Court, Raipur, Dist Raipur, Chhattisgarh
6. Presiding Officer, Labour Court, Raipur, Dist Raipur, Chhattisgarh

--- Respondent(s)

WA No. 390 of 2014

Surendra Kumar Sahu S/o Salikram Sahu Aged About 37 Years R/o Vill.
And Post Kankera Tah. And Dist. Mahasamund, Chhattisgarh

---Appellant(s)

Versus

1. State Of Chhattisgarh Through Senior Agriculture Development Officer,
Block Mahasamund Tah. And Dist. Mahasamund, Chhattisgarh



2. Deputy Director Agriculture (Agriculture Department) Mahasamund,
District : Mahasamund, Chhattisgarh
3. Presiding Officer Labour Court Raipur ,District : Raipur, Chhattisgarh

--- Respondent(s)

WA No. 392 of 2014

Smt. Geeta Bai Rajwade W/o Late Shri Tokram Rajwade Aged About 39
Years R/o Village Kanki Block Kartala, Police Station Kartala, District
Korba, Chhattisgarh.

---Appellant(s)

Versus

1. State Of Chhattisgarh Through Its Executive Engineer Hasdeo Barrage
Water Resource Rampur, Chhattisgarh
2. Sub Divisional Officer Hasdeo R.B.C. Water Resource Sub Division No.
1, Pantora Dist. Janjgir-Champa, Chhattisgarh
3. State Of Chhattisgarh Through Its Secretary Department Of Law And
Legislature Mahandi Bhawan New Raipur, District : Raipur, Chhattisgarh
4. Secretary Department Of General Administration Mantralaya Mahandi
Bhawan New Raipur, District : Raipur, Chhattisgarh

--- Respondent(s)

For Appellant(s) : Mr. Vinod Deshmukh, Advocate {WA No. 355/2014,
317/2014, 378/2014, 392/2024}
Mr. S.P.Kale, Advocate {WA No. 392/2014}
Mr. Harshal Chouhan, Advocate {WA No. 390/2014}

For Respondent(s) : Mr. Shashank Thakur, Additional Advocate General.

Hon'ble Mr. Ramesh Sinha, Chief Justice

Hon'ble Mr. Arvind Kumar Verma, Judge

**Judgment on Board****Per Ramesh Sinha, Chief Justice****05/01/2026**

1. Heard Mr. Vinod Deshmukh, Mr. S.P.Kale and Mr. Harshal Chouhan, learned counsel for the respective appellant(s)/workmen as well as Mr. Shashank Thakur, Additional Advocate General for the State/ respondents.
2. The appellant(s)/workman have filed the present appeals challenging the order passed by the learned Single Judge in the writ petitions wherein the learned Single Judge, while partly allowing the writ petition(s) filed by the employer/State of Chhattisgarh, has directed for payment of monetary compensation to the tune of Rs. 1,00,000/- to each of the appellant/workman, in lieu of reinstatement in service.
3. WA No. 355/2014 arises out of order dated 12.08.2014 passed in WPL No. 6424/2007, WA No. 317/2014 arises out of order dated 15.07.2014 passed in WP No. 1736/2002, WA No. 378/2014 arises out of order dated 07.11.2013 passed in WP No. 4093/2005, WA No. 390/2014 arises out of order dated 12.08.2014 passed in WPL No. 86/2012, and WA No. 392/2014 arises out of order dated 12.08.2014 passed in WPL No. 85/2012.
4. All the writ petitions were filed by the State.
5. WPL No. 6424/2007 was filed challenging the order passed by the learned State Industrial Court, Raipur, on 12.06.2006 in Civil Appeal No. 173/CGIR/A11/2005, WP No. 1736/2002 was filed challenging the order passed by the learned Industrial Court, Raipur, in Civil Appeal No.



34/MPIRA/A-II/2001, on 31.01.2002 and the order dated 22.08.2000 passed by the learned Labour Court Raipur in Case No. 15/MPIR/95, WP No. 4093/2005 was filed challenging the order dated 29.06.2002 passed by the Labour Court, Raipur in Case No. 190/MPIR Act/95 as well as order dated 02.12.2004 passed by the learned Industrial Court, Raipur, in Civil Appeal No. 212/MPIR Act/A/II/2002, WPL No. 86 of 2012 was filed challenging the order dated 10.03.2011 passed by the learned Labour Court, Raipur, in Case No. 30/2008/ID Act and WPL No. 85/2012 was filed challenging the order dated 13.09.2011 passed by the learned Labour Court, Korba, in Case No. 5/IDAct/2010/Reference.

6. Since the facts in all these cases are almost identical, they are being considered together. However, for considering and deciding this batch of appeals, WA No. 355 of 2014 is taken as the lead case.
7. The facts, in brief, as projected in this appeal is that the appellant was initially appointed as a Labour on 01.03.1985 and continuously worked till 01.08.1994 without any break of service. All of sudden on 01.08.1994 the services of the appellant was discontinued and terminated by the Sub Divisional Officer, Balar Canal, Sub Division, Kasadol by oral order without assigning any reason. The services the other similarly situated employees namely Tularam, Badku, Dhaniram,, Khelaf, Bharat, Ramnarayan, Harishankar, Dukalu, Dhaniram, Shyamu, Kushu Ram, Ramnarayan, Harishanker were terminated by the oral order in the year 1994 on the basis of a Circular issued by the erstwhile Government of Madhya Pradesh in year 1994. Against the termination/discontinuation of service of the by oral order dated 01.08.1994, the appellant approached before the Labour Court, Raipur by moving an application under section 31(3) of the Madhya Pradesh Industrial Relations Act, 1960 (*for short*,



the MPIR Act) in the year 1995 and on receiving the said application of the appellant, the learned Labour Court registered the case being No. 197/MPIR Act/1995. Notice was issued to the concerned Department upon which the Department filed its return. The learned Labour Court, Raipur without appreciation of evidence and materials, rejected the said application of the appellant vide order dated 26.06.2003.

8. The said order dated 26.06.2003 was challenged by the appellant in Case No. 173/CGIR Act/1995 before the learned Industrial Court and the Industrial Court also after going through the records and evidence of the Court below and held that the learned Labour Court did not properly appreciate the evidence and documents at the time of considering the case of appellant and also held that the appellant has completed more than 240 days in preceding 12 months and the Department did not comply with the provisions Section 25 (F) of the Industrial Dispute Act prior to retrenchment of the answering respondent. In pursuance of the award passed by the Industrial Court, the appellant was reinstated in the service *w.e.f.* 10.07.2007 and also prepared the service book of the appellant since then he is continuously working. The employees/daily wagers who were terminated along with the appellant by oral order dated 01.08.1994 namely Tularam, Badku, Dhaniram, Khelaf, Bharat, Ramnarayan, Harishankar, Dukalu, Dhaniram, Shyamu Kushu Ram, Ramnarayan, Harishanker and other employee, had also approached before the Labour Court Raipur under the C.G./M.P.I.R. Act and Labour Court held that order of retrenchment / termination was illegal and they were reinstated in the service in pursuance of the order passed by the Labour Court. In between, the State Government issued a Notification/Circular dated 05.03.2008 whereby it is decided that the daily wages employee who were working prior to 31st December 1988



and 1997, would be entitled for regularization on their respective posts.

9. According to the workman/appellant, only due to pendency of the instant writ petition filed by the petitioner / Department, the State Government has not considered the case of the appellant as per Circular dated 05.03.2008 for his regularization. The State Government had also challenged the orders passed by the Labour Court in favors of the others similarly employees who's were terminated alongwith the respondent No.1/employee. Finally, the writ petition of the State Government came up for hearing and vide order dated 12.08.2014 the learned Single Judge, without proper consideration of the findings recorded by the learned Industrial Court on the basis of materials available, has interfered with the findings recorded by the Industrial Court and modified order of reinstatement of appellant and allowed the writ petition filed by the State and held that the appellant/employee was entitled to a sum of Rs. 1,00,000/- as compensation, which is under challenge in this appeal alongwith the batch of writ appeals.
10. Earlier, this batch of writ appeals was heard by a learned Division Bench of this Court, which, vide its order 22.12.2016, had referred certain questions to be answered by the Full Bench.
11. Thereafter, these appeals were listed before a Full Bench of this Court and the learned Full Bench, vide its order dated 29.08.2025, after taking note of number of judgments rendered by the Hon'ble Apex Court which were relied on both by the learned counsel for the appellants as well as respondents, had answered the reference made by the learned Division Bench and directed to list these appeals before the Bench having the roster. The learned Full Bench had summarized the factors to be kept in mind while granting compensation and when full back-wages, partial



back-wages or no back-wages should be granted.

12. In the concluding paragraph, the learned Full Bench observed that no straitjacket formula can be laid with respect to the questions referred and the same cannot be answered settling the issues once for all, and the questions, if raised in any particular case, has to be dealt with keeping in view the over all facts situation of that particular case. Hence, we proceed to decide these cases based on its own facts.
13. Mr. Deshmukh, learned counsel for the appellant/workmen has drawn attention of this Court to the facts and circumstances as enumerated below to submit that these appeals deserve to be allowed and the appellants may be granted reinstatement in service. The details are as under:

	WA 355/2014 Surit Ram	WA 317/2014 Ramkhilawan Sahu	WA 378/2014 Janak Ram	WA 390/2014 Surendra Kumar Sahu	WA 392/2014 Tokram Rajwade (through LRs)
Date of Appointment	01.03.1985	01.03.1989	01.04.1984	1990	01.03.1990
Date of Termination	01.08.1994	01.11.1994	01.08.1994	January 2000	28.02.1995
Date of Raising the Dispute	21.07.1995 under Section 31(3) of the MPIR Act 1960	12.01.1995 under Section 31(3) of the MPIR Act 1960	In the year 1995 under Section 31(3) of the MPIR Act 1960	In the year 2008 under the ID Act 1947	In the year 2008 under the ID Act 1947
Date of order of Labour Court	26.06.2003 (Dismissed the application of the appellant)	22.08.2000 (Allowed the application of the appellant, reinstated with 50% backwages)	29.06.2002 (Allowed the application of the appellant, reinstated with 50% backwages)	10.03.2011 (Allowed the application of the appellant)	13.09.2011 (Allowed the application of the appellant, reinstated without backwages).
Date of order of the	12.06.2006 (Allowed the	31.01.2002 (Dismissed the	02.12.2004 (Dismissed the		



Industrial Court	appeal of the appellant without backwages)	appeal of the State)	appeal of the State)	-	-
Date of reinstatement / Present Status	10.07.2007 Working till date. Till termination – 9 years From the date of reinstatement till date – 18 years. Total length of service – 27 years	23.09.2005 Working till date. Till termination – 5 years From reinstatement till date – 20 years. Total length of service – 25 years	29.09.2005 Working till date. Till termination- 10 years 6 months. From the date of reinstatement till date – 20 years. Total length of Service 30 years 6 months	14.06.2012	February, 2012 Discontinued on 30.09.2014
Date of filing of Writ petition by the State	WPL No. 6424/2007 (filed on 11.10.2007)	WP No. 1736/2002 (filed on 20.08.2002)	WP No. 4093/2005 (filed on 02.08.2005)	WPL No. 86/2012 (filed on 22.06.2012)	WPL No. 85/2012 (filed on 21.06.2012)
Order passed by the learned Single Judge	12.08.2014 Modified the order of Industrial Court and granted Rs. 1 Lac as compensation in lieu of reinstatement	15.07.2014 Modified the order of Labour Court and granted Rs. 1 Lac as compensation in lieu of reinstatement.	07.11.2013 Modified the order of Labour Court and granted Rs. 1 Lac as compensation in lieu of reinstatement	Modified the order of the Labour Court and granted Rs. 1 Lac as compensation in lieu of reinstatement	Modified the order of Labour Court and granted Rs. 1 Lac as compensation in lieu of reinstatement
Interim order passed by this Court	WA 355/2014 Interim order - 18.11.2014	WA 317/2014 Interim order – 30.10.2014	WA 378/2014 Interim order – 20.11.2014	WA 390/2014	WA 392/2014

14. Mr. Deshmukh, Mr. Kale and Mr. Chouhan, learned counsel appearing for the respective appellant(s)/workman submit that the appellants had been working for a long period of time and the order passed by the learned Single Judge granting compensation of a meager amount of Rs.



One Lac in lieu of reinstatement is not justified. Even it is not a case of the respondent/employer that the services of the appellants were discontinued on account of any misconduct or indiscipline. The reinstatement would not cause any hardships to the employer as the appellant(s)/workmen are still continuing in their respective services by virtue of interim orders passed by this Court.

15. Learned counsel have placed their reliance on the decision of the Apex Court in ***Jeetubha Khansangji Jadeja v. Kutchh District Panchayat*** {Civil Appeal No. 6890/2022} and an order passed by a Division Bench of this Court in ***Chamra Das v. Municipal Corporation, Korba & another*** {WA No. 399/2022, decided on 03.05.2023} to contend that proper course would be to allow these appeals by setting aside the order passed by the learned Single Judge.
16. On the other hand, Mr. Thakur, learned Deputy Advocate General appearing for the State/respondents submit that the order passed by the learned Single Judge is just and proper warranting no interference. The compensation awarded to the appellant(s) is quite justified. He further submits that so far as WA No. 392/2014 is concerned, the appellant/workman therein had approached the learned Labour Court, Korba, after a delay of about 15 years and had worked only for a very short period of five years and after reinstatement, he had worked for further two years and in total 7 years of service. During pendency of the appeal, the original appellant-Tokram Rajwade had expired and the appeal is being contested by his legal heir, i.e. the wife and as such, the award of compensation of Rs. 1 Lac is just as no reinstatement can be awarded to any other family member.
17. A Full Bench of this Court, vide order dated 29.08.2025 had summarised



the factors / circumstances to be borne in mind while granting the relief of reinstatement or compensation. For ready reference, the same is quoted hereinbelow:

Factor	Reinstatement	Compensation
Nature of employment	Permanent/regular	Daily wage/ casual/ temporary
Length of service	Long, continuous	Short or sporadic
Delay	Prompt challenge	Long, unexplained delay
Feasibility	Employer functional, post available	Establishment closed / post abolished
Conduct	Blameless	Misconduct / indiscipline
Equity	No hardship to employer	Reinstatement impractical / inequitable

18. In view of the facts and circumstances as portrayed by the learned counsel for the appellants as also the submission advanced that the appellants / workmen are continuing on their respective posts for a duration ranging from 12 years to 30 years, and further, the appellants/workmen were not removed from their services on the ground of any misconduct or indiscipline, which fact has not been controverted by the learned Additional Advocate General, this Court is of the view that reinstatement of the appellants/workmen in service would be the proper course instead of granting monetary compensation and the learned respective Labour Court/Industrial Court have rightly ordered reinstatement of the appellants/workmen.
19. So far as the appellant-Tokram Rajwade is concerned, he has expired and is now being represented by his wife Geeta Bai Rajwade, reinstatement in service is not possible. It is the contention of the learned State counsel that the dispute was raised by the workman after a long delay of 15 years.
20. There is no statutory limitation under the Industrial Disputes Act, 1947.



The said Act does not prescribe any limitation period for raising an industrial dispute or seeking a reference by the Government under Section 10. Hence, technically, a dispute can be raised even after a long delay. However, the principles of delay and laches could be applied. Even in absence of statutory limitation, courts apply the equitable doctrine of delay and laches. Long unexplained delay may weigh against the workman, especially if it causes prejudice to the employer (e.g., records lost, establishment closed, replacement of worker). However, it is not the case here. As such, this Court is of the opinion that in the interest of justice, in WA No. 392/2014, compensation to the tune of Rs. 5 Lacs would be just and proper to be awarded to the appellant-Smt. Geeta Bai Rajwade. The said amount shall be paid to the appellant by the respondent/State within a period of three weeks from today or from the date of receipt of a copy of this order, whichever is earlier.

21. In view of the above discussion, the order dated 12.08.2014 passed in WPL No. 6424/2007, order dated 15.07.2014 passed in WP No. 1736/2002, order dated 07.11.2013 passed in WP No. 4093/2005, order dated 12.08.2014 passed in WPL No. 86/2012, order dated 12.08.2014 passed in WPL No. 85/2012, by the learned Single Judge, are set aside. As a consequence, the writ petitions filed by the State/employer, stand dismissed.

22. Resultantly, WA No. 355/2014, 317/2014, 378/2014 and 390/2014 stand **allowed** and WA No. 392/2014 stands **partly allowed**.

Sd/-
(Arvind Kumar Verma)
JUDGE

Sd/-
(Ramesh Sinha)
CHIEF JUSTICE