



**AMITA
DUBEY**

2026:CGHC:10429

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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPL No. 145 of 2015

1 - State Of Chhattisgarh Through The Secretary, Department Of Agriculture, Horticulture, Mahanadi Bhawan, Mantralaya, Naya Raipur Chhattisgarh The Petitioner No. 1 Was Not A Party Before The Learned Labour Court But Has Been Impleaded As Petitioner No. 1, In The Instant Petition As The Preper Course Is To Implead The State Government Through The Secretary Of The Concerned Department, Chhattisgarh.

2 - The Director, Directorate Of Horticulture And Farm Forestry, Raipur Chhattisgarh , District : Raipur, Chhattisgarh.

3 - The Deputy Director, Horticulture, Bilaspur Chhattisgarh , District : Bilaspur, Chhattisgarh.

... Petitioners

versus

The President, Lal Jhanda Mazdur Union, Bilaspur Through P. Rajak, Burjesh School Compound, P.S. Civil Lines, Tahsil And District Bilaspur Chhattisgarh, Chhattisgarh.

... Respondent

For Petitioners/State : Mr. Raj Kumar Gupta, Additional Advocate
General

For Intervenor : Mr. Rishi Rahul Soni, Advocate

Hon'ble Shri Justice Sachin Singh Rajput**Order On Board****27/02/2026**

1. This case has chequered history. Respondent raised an industrial dispute before the Deputy Labour Commissioner Chhattisgarh Region, Raipur (Appropriate Government) with regard to retrenchment of its members. The Deputy Labour Commissioner, after the conciliation proceeding, sent a reference to the learned Labour Court, Bilaspur. The reference reads thus:-

"क्या संलग्न परिशिष्ट में वरि गए श्रमिकों का सेवा पृथक्कीकरण वैध एवं उचित है ? यदि नहीं तो वे किस सहायता के पात्र हैं एवं इस संबंध में नियोजक को क्या निर्देश दिये जाने चाहिए ?"

2. Thereafter, a statement of claim was submitted by the respondent before the Labour Court, which was resisted by the petitioner. Labour Court vide its order dated 01.07.1996 passed in case No.13/ID Act/89 (reference) allowed the statement of claim and directed the reinstatement of the five workmen, whose names were mentioned in the award, with full backwages with effect from 25.01.1989. One of the workmen, namely- Govind Das, who was found to be engaged as a Kotwar was granted back wages from 25.01.1989 to 17.04.1996 but denied the further backwages thereafter. This award came to be challenged by the petitioner before Hon'ble High Court of Madhya Pradesh in WP No. 4176 of 1996 (Annexure I-6). After the bifurcation of State of Madhya Pradesh, the said writ petition came to be transferred to this Court. During pendency of the said writ petition, the respondent also raised an industrial dispute for regularization of its members before the Deputy Labour Commissioner Chhattisgarh region, Raipur (Appropriate Government) who vide its order No. 137 dated 12.10.1998 sent the reference to learned Labour Court under ID Act. The Learned Labour Court vide its award dated 24.12.2003

passed in case No. 54/ID Act/98/reference allowed the statement of claim of the respondent - Union in respect of its members workmen and directed their regularization on the post of Gardner with effect from 19.11.1998. The learned Labour Court also directed that the monetary gain should be granted to them from the date of award i.e. 24.12.2003. In that award, two workmen / members namely- Shashibai and Ghanshyam were not granted the relief, which has been granted to rest of the workmen/members. This award also came to be challenged by the petitioner before this Court in Writ Petition No. 258/2005. Both the writ petitions bearing WP No. 4176 of 1996 and WP No. 258 of 2005 came for analogous hearing on 12.03.2013. WP No. 4176 of 1996 was partly allowed by this Court maintaining the reinstatement of the members of the respondent-Union, however, the relief with regard to grant of back wages by the learned Labour Court was quashed. WP No. 258/2005, which was filed for challenging the regularization of the workmen was disposed of on the submission of learned counsel appearing for the State that in compliance of the order passed by the learned Labour Court, some of the employees of the respondent-Union have been regularized and remaining employees will also be regularized in due course of time.

3. From the above factual scenario, it is explicit that the reinstatement of the member of Union, respondent as well as regularization of the members of respondent -Union have attained the finality. The grant of monetary benefits while deciding the claim of the members of the respondent-Union has also attained finality. Thereafter, the respondent- Union filed an application under Section 33(C)(2) of the Industrial Disputes Act, 1947 before the learned Labour Court, which was registered as Case No. 222/ID Act/2006. The application was allowed by the learned Labour Court vide order dated 28.05.2007 observing that members of the respondent -Union are entitled to get monetary benefit, as

mentioned in Scheduled "A" and thus issued a Revenue Recovery Certificate (RRC) against the respondent and posted the matter for its report on 08.08.2007. Thereafter, the petitioner filed a review petition before the learned Labour Court against that order, which was dismissed vide impugned order dated 06.06.2015. This writ petition has been filed challenging the order dated 28.05.2007 and 06.06.2015 passed by the learned Labour Court.

4. Learned Counsel for the petitioner submits that the dispute with regard to regularization of the members of the respondent-Union was under consideration before this Court and it has not been decided as yet. Of course, there was no interim order passed by this Court, but in order to maintain judicial propriety, the learned Labour Court ought to have waited for the outcome of the writ petition filed by the petitioner. During pendency of the writ petition, the order dated 28.05.2007 was passed by the learned Labour Court thus, it requires to be set aside. He further submits that in order to invoke the provisions contained in Section 33(C)(2) of the ID Act, 1947, there has to be adjudication of the rights of the parties. The learned Labour Court has accepted the amount, which has been shown in the schedule with regard to the monetary gain of the members of the respondent - union as a gospel truth, thus there is no adjudication of the rights of the members of respondent union. As such, impugned order deserves to be set aside. He further submits that the review was sought of the impugned order, which has not been dealt with by the learned Labour Court in its true spirit considering the submission made by the State Government.

5. Mr. Soni, learned counsel for the respondent/Intervenor submits that the rights of the members of the respondent -Union have already been adjudicated by the learned Labour Court while deciding the case of

regularization. Even assuming that the petitioner/State has challenged that award before this Court and it was pending consideration, there was no interim order passed by this Court. Considering this aspect of the matter, the learned Labour Court has rightly allowed the application under Section 33(c)(2) of the ID Act. He further submits that as both the awards passed by the learned Labour Court for reinstatement as well as the regularization have attained finality and in fact while disposing of the writ petition against the award of regularization, it has been admitted by the State that some of the members have been regularized and in due course of time the other members would also be regularized. Thus, the State cannot say that the members of respondent - Union including the Intervenor are not entitled for grant of monetary gain. He further submits that while deciding the case of the members of the respondent -Union for regularization, the learned Labour Court has given a categorical cut off date for grant of monetary benefits to its members i.e. 24.03.2006. Hence, the writ petition, being devoid of merit is liable to be dismissed.

6. Heard the learned counsel for the parties and perused the material available on record.

7. Factual scenario in this writ petition does not appear to be in dispute. The petitioner/State has filed this writ petition challenging the order of the learned Labour Court allowing the application under Section 33(C)(2) of the ID Act and an order rejecting the review on that application. The contention of Mr. Gupta, learned counsel for the petitioner/State is that the challenge with regard to award in respect of the regularization passed by the Labour Court was under consideration before this Court in Writ Petition No. 258 of 2005, therefore, in order to maintain judicial propriety, the learned Labour Court ought not to have decided the execution application. This submission is liable to be rejected.

Filing a writ petition would not *ipso facto* lead to automatic stay of the proceeding of execution. While deciding the application, the learned Labour Court has very categorically observed that no interim order or stay was produced before it at the time of passing of the order. The petitioner has not contested the case as to whether the monetary gain as mentioned in the Annexure appended with the application for execution is in dispute. Rather, his case is that as the dispute was pending before this Court, it should not have been decided. Another submission was raised that as the rights of the parties have not been decided, the application filed under Section 33(C)(2) of the ID Act cannot be entertained. This submission is also liable to be rejected on the contest that the rights to get regularization and monetary gain has already been adjudicated by the learned Labour Court while passing the impugned award and that award has also not been disturbed in Writ Petition No. 258 of 2005 rather on submission made by learned counsel for the petitioner that some of the members of respondent -Union has already been regularized in due course of time and other members would be regularized, the submission has to fall flat. While deciding the review application, the learned Labour Court has discussed in detail the submission of the petitioner, which did not find favour of the petitioner.

8. It is to be seen that the members of respondent -Union including intervenor are agitating with regard to their right for more than two decades. Despite an award passed by the learned Labour Court, they are being deprived of their legitimate claim. If this Court has already upheld the award for regularization passed by the learned Labour Court, this Court does not have any occasion to say that they are not entitled for monetary gain, as awarded by the learned Labour court in passing the award. Thus, this Court does not find any irregularity or infirmity in the awards impugned. Accordingly, the writ

petition fails and is hereby dismissed.

9. Interim relief granted, if any, shall stand discharged.

Sd/-

**(Sachin Singh Rajput)
Judge**

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