

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

WPL No. 63 of 2018

State Of Chhattisgarh **Versus** Smt Chitrarekha Sahu

29-11--2021	Mr. K.K. Sigh, Govt. Advocate for the petitioner/State. Mr. S.P. Kale, counsel for the respondent. Learned State counsel for the petitioners would submit that he may be given two weeks' time to comply with the provisions of Section 17-B of the Industrial Disputes Act. Learned counsel for the respondent would submit that by letters dated 6-11-2017 and 31-11-2018 the appellant/State asked the respondent to give an affidavit whether he is in employment or not. As per Section 17-B of the Industrial Disputes Act, 1947, it is for the employer to prove that the workman during pendency of the petition is gainful in employment, therefore, there is no justifiable reason for the State authorities to ask for submission of the affidavit. As per provisions of Section \ 17-B of the Act, 1947, the employer has to satisfy the High Court or Supreme Court as the case may be that the workman is gainful in employment during pendency of the writ petition or in Special Leave Petition before Honorable Supreme Court. This is not the case in hand, therefore, it is directed that the State shall comply with the provisions of Section 17-B of the Act, 1947 immediately and submit its compliance report within ten days.

Raju	List this case on 10-12-2021 along with WPL No. 62 of 2018 & 67 of 2018. If the State has not complied with the said provision, then the Chief Engineer, Hasdev Bango Project, Bilaspur shall remain present before this court to assist the court on that day. Sd/- (Narendra Kumar Vyas) Judge
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