



2026:CGHC:23920-DB

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WA No. 474 of 2026**

Manrakhan Lal Khandey S/o Shri Panchram Khandey, Aged About 60 Years R/o Village Araibandh, Post Jarondha, Tahsil -Takhatpur, District Bilaspur (Chhattisgarh)

... Appellant**versus**

1 - Managing Director Chhattisgarh State Co-Cooperative Marketing Federation Limited, (M A R K F E D) Raipur, 6th Floor, Tower C Commercial Complex, C.B.D. Sector-21, Block C Nava Raipur, Atal Nagar, District-Raipur (Chhattisgarh)

2 - District Marketing Officer, Mungeli, District - Mungeli (Chhattisgarh)

3 - In- Charge Paddy Procure Centre, Araibandh-01, Tahsil - Takhatpur, District Bilaspur (Chhattisgarh)

... Respondents

(Cause-title taken from Case Information System)

For Appellant	:	Mr. S.P. Kale, Advocate
For Respondents	:	Mr. N. Naha Roy, Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Ravindra Kumar Agrawal, Judge

Judgment on Board**Per Ramesh Sinha, Chief Justice****16.06.2026**

- 1** Heard Mr. S.P. Kale, learned counsel for the appellant as well as Mr. N. Naha Roy, learned counsel appearing for the respondents.



- 2 The present intra Court appeal has been filed against the order dated 10.09.2025 passed by the learned Single Judge in WPL No.123/2023, whereby the writ petition filed by the appellant/writ petitioner before the learned Single Judge has been dismissed.
- 3 Brief facts before the learned Single Judge, in a nutshell, were that the appellant/writ petitioner was appointed to the post of Pointer vide order dated 01.02.2013 under respondent No.1, namely Chhattisgarh State Co-operative Marketing Federation Limited (Markfed), and continued to discharge his duties till 15.12.2016. According to the appellant/writ petitioner, his services were orally discontinued with effect from 16.12.2016 without issuance of any order and without complying with the mandatory provisions of the Industrial Disputes Act, 1947. It was the case of the appellant/writ petitioner that he had continuously worked for more than 240 days in a calendar year preceding his termination and, having rendered service for more than four years, had acquired the status of a permanent employee. Aggrieved by the discontinuance of his services, the appellant/writ petitioner initiated conciliation proceedings before the Assistant Labour Commissioner, Bilaspur, and upon failure of conciliation, the industrial dispute was referred to the Labour Court on 27.05.2017.
- 4 Before the Labour Court, the appellant/writ petitioner filed his statement of claim contending that his termination was illegal and arbitrary, as the same had been effected without compliance of



the mandatory requirements contained in Sections 25-F and 25-G of the Industrial Disputes Act, 1947. It was further pleaded that a workman junior to him, namely Vishal Soni, was retained in service and subsequently regularized, thereby violating the principle of “last come, first go”. The respondents contested the claim by filing their reply and raising a preliminary objection regarding the jurisdiction of the Labour Court, contending that since the appellant/writ petitioner was working under a co-operative society, the dispute was required to be adjudicated by the Registrar, Co-operative Societies. After recording evidence of the parties, including the testimony of the respondents' witness Gulab Singh, who admitted non-compliance of Section 25-G and the continuance of Vishal Soni in service, the Labour Court, by order dated 21.02.2023, dismissed the claim petition solely on the ground of lack of jurisdiction.

- 5 Challenging the said order, the appellant/writ petitioner preferred the writ petition before the learned Single Judge bearing WPL No.123/2023, which was dismissed vide order dated 10.09.2025.
- 6 Being aggrieved with the aforesaid order dated 10.09.2025, the appellant/writ petitioner has filed review petition being REVP No.391/2025, which was also dismissed vide order dated 17.02.2026.
- 7 Aggrieved by the judgment and order dated 10.09.2025 passed by the learned Single Judge in WPL No.123/2023, as well as the



order dated 17.02.2026 passed in Review Petition No.391/2025 affirming the same, the appellant/writ petitioner has preferred the present writ appeal. The appellant/writ petitioner has called in question the legality, validity and correctness of the aforesaid orders on the ground that the learned Single Judge has failed to appreciate the material available on record and has erroneously upheld the order of the Labour Court declining jurisdiction despite the dispute arising out of termination of service and alleged non-compliance of the mandatory provisions of the Industrial Disputes Act, 1947.

- 8 Learned counsel for the appellant/writ petitioner submits that the learned Single Judge has committed a manifest error in affirming the order passed by the Labour Court holding that it lacked jurisdiction to entertain the industrial dispute raised by the appellant/writ petitioner. It is contended that the only preliminary objection raised by the respondent before the Labour Court was that the appellant/writ petitioner, being an employee of a Co-operative Society, ought to have availed the remedy under the provisions of the Chhattisgarh Co-operative Societies Act, 1960 and not under the Industrial Disputes Act, 1947. Learned counsel submits that no plea whatsoever was raised by the respondent that the appellant/writ petitioner was not a “workman” within the meaning of Section 2(s) of the Industrial Disputes Act, 1947 or that the respondent-Society was not an “industry” within the



meaning of the said Act. Therefore, according to learned counsel, the learned Single Judge was not justified in sustaining the dismissal of the claim petition on grounds which neither formed part of the pleadings nor were adjudicated by the Labour Court.

- 9 Learned counsel further submits that the controversy relating to jurisdiction of the Labour Court in respect of disputes involving employees of Co-operative Societies stands conclusively settled by the judgment of the Hon'ble Supreme Court in ***Smt. K.A. Annamma v. Cochin Co-operative Hospital Society Ltd. and Others, (2018) 2 SCC 729***. Referring to paragraphs 104, 105 and 106 of the said judgment, learned counsel submits that the Hon'ble Supreme Court has categorically held that an employee has the choice of availing either of the two remedies available under the Co-operative Societies Act and the Industrial Disputes Act, subject to satisfying the requirements prescribed under the latter enactment.
- 10 It is further contended that the Hon'ble Supreme Court specifically observed that all decisions taking a contrary view stood overruled. Therefore, according to learned counsel, the learned Single Judge gravely erred in holding that the law laid down by the Hon'ble Supreme Court in ***Ghaziabad Zila Sahkari Bank Ltd. v. Additional Labour Commissioner and Others, (2007) 11 SCC 756***, continued to hold the field and that the Labour Court was justified in declining jurisdiction. It is submitted that the said



finding is directly contrary to the ratio laid down in **Smt. K.A.**

Annamma (supra).

- 11 Learned counsel also submits that the Labour Court had recorded findings in favour of the appellant/writ petitioner on the issue relating to the legality of termination and non-compliance of the mandatory provisions contained in Sections 25-F and 25-G of the Industrial Disputes Act, 1947, but dismissed the claim solely on the ground of lack of jurisdiction. It is argued that the said findings on merits were never challenged by the respondent. Learned counsel further places reliance upon the judgment rendered by the Division Bench of the Allahabad High Court in **Ghaziabad Zila Sahkari Bank Ltd. v. Additional Commissioner and Others (Reference decided in Writ-C No.5577 of 2015 and connected matters)**, wherein it was held that the Labour Court possesses jurisdiction to adjudicate disputes involving employees of Co-operative Societies. It is submitted that the challenge preferred against the said judgment before the Hon'ble Supreme Court by way of SLP (Civil) Diary No.46960 of 2024 came to be dismissed on 17.04.2025.
- 12 On the strength of the aforesaid submissions, learned counsel contends that the orders dated 10.09.2025 passed in WPL No.123/2023 and 17.02.2026 passed in Review Petition No.391/2025 suffer from patent legal infirmity and deserve to be set aside.



- 13 On the other hand, learned counsel appearing for the respondents supports the impugned orders passed by the learned Single Judge as well as the Labour Court and submits that no error has been committed in holding that the dispute raised by the appellant/writ petitioner was not maintainable before the Labour Court. It is contended that the appellant/writ petitioner was an employee of a Co-operative Society and, therefore, the dispute relating to his service conditions was required to be adjudicated under the provisions of the Chhattisgarh Co-operative Societies Act, 1960.
- 14 Learned counsel submits that the appellant/writ petitioner failed to establish the foundational requirements for invoking the jurisdiction under the Industrial Disputes Act, 1947, namely that he was a “workman” within the meaning of Section 2(s) of the Act and that the respondent-Society was an “industry” as defined under the Act. It is further submitted that the learned Single Judge, after considering the judgments of the Hon’ble Supreme Court in **Ghaziabad Zila Sahkari Bank Ltd.** (supra) and **Smt. K.A. Annamma** (supra), rightly concluded that the appellant/writ petitioner had failed to make out a case warranting interference with the order passed by the Labour Court.
- 15 It is, therefore, submitted that the impugned orders do not suffer from any jurisdictional or legal infirmity and the present writ appeal, being devoid of merit, deserves to be dismissed.



- 16** We have heard learned counsel appearing for the parties at length and carefully considered their rival submissions. We have also perused the entire record of the case, including the impugned order dated 10.09.2025 passed by the learned Single Judge in WPL No.123/2023 as well as order dated 17.02.2026 passed in REVP No.391/2025.
- 17** After appreciating the submissions of learned counsel for the parties therein as also the materials on record, the learned Single Judge has passed the impugned order in following terms:-

“10) In the present case, the petitioner worked under the respondents on the post of “Pointer”. It is not in dispute that the petitioner worked from 01.02.2013 till 15.12.2016. His services were terminated by an oral order. The matter was referred to the learned Labour Court by the Deputy Labour Commissioner, Bilaspur. The petitioner filed statement of claim where respondents filed their reply.

11) In reply, specific grounds were taken with regard to the maintainability of the dispute on the ground that petitioner is an employee of the cooperative society. The parties led evidence and the petitioner succeeded to prove that the provisions of section 25(F) and 25(G) were not complied with by the respondent(s) and the respondent’s witness namely Gulab Singh also supported the case of the petitioner. However, the learned Labour Court dismissed the claim



on account of lack of jurisdiction.

12) In the statement of claim, the petitioner has not pleaded that he was workman according to the definition given under section 2(s) of the I.D. Act. It is simply pleaded that he worked under the respondent for about four years and has completed 240 days in a calendar year continuously. He was removed contrary to the provision of section 25F and 25(G) of the ID Act. In evidence also, the petitioner has not deposed that he was workman according to the provision of section 2(F) of the I.D. Act. In the present writ petition also, there is no such pleading.

13) In the matter of K.A. Annamma (supra), the Hon'ble Supreme Court has held that service disputes between employees and Cooperative Societies can be adjudicated under both the Kerala Co-operative Societies Act (KCS Act) as well as the Industrial Disputes Act, 1947 (ID Act). Further, both enactments possess concurrent jurisdiction to decide service disputes, subject to the satisfaction of conditions laid down under the Industrial Disputes Act. It was further clarified that the termination of services of a workman employed in a Cooperative Society can be challenged either under the Cooperative Societies Act or before the Labour Forum under the Industrial Disputes Act. The employee has the liberty to choose either of the forums available, if the employee qualifies as a "workman" within the



meaning of Section 2(s) of the ID Act; the dispute raised qualifies as an “industrial dispute” under Section 2(k) of the ID Act; and the Cooperative Society concerned falls within the definition of an “industry” as provided under Section 2(j) of the ID Act. The relevant paragraphs 103, 104 reproduced as enter:-

“103. We accordingly hold that the KCS Act and the ID Act both possess and enjoy the concurrent jurisdiction to decide any service dispute arising between the Co-operative Society's Employee and his/her Employer (Co-operative Society).

104. We also hold that it is the choice of the Employee concerned to choose any one forum out of the two forums available to him/ her under the two Acts (the KCS Act and the I.D. Act) to get his/her service dispute decided. It is, however, subject to satisfying the test laid down under the ID Act that the employee concerned is a "workman", the dispute raised by him/her is an "industrial dispute" and the Co-operative Society (Employer) is an "Industry" as defined under the ID Act.” 14) In the matter of Ghaziabad Zila Sahkari Bank Ltd vs Addl. Labour Commissioner & Ors (2008) 1 SCC (L & S) 90, wherein, the Hon'ble Supreme Court considered the question of jurisdiction in disputes raised by workmen employed under cooperative societies. It has been held that the provisions of the Industrial Disputes Act, 1947, stand excluded in relation to employees of



cooperative societies, and therefore, the learned Labour Court or Labour Commissioner cannot assume jurisdiction over such matters. It has also been observed that even if Section 135 of the U.P. Cooperative Societies Act, 1965, had not been enforced, the exclusion of jurisdiction of the Labour Commissioner remained effective, as the said provision was only incorporated by way of clarification and abundant caution. The relevant para 65 is reproduced as under:-

“65. We are therefore of the view that the Asst. Labour Commissioner (ALC)’s jurisdiction was wrongly invoked and his order dated 15.03.2003 under section 6H, U.P. Industrial Disputes Act, 1947 is without jurisdiction and hence null and void and it can be observed that, in view of the said general legal principle, it is immaterial whether or not the government has enforced section 135 (UPCS Act) because, in any case the said provision (S.135) had been included in the Act only by way of clarification and abundant caution. ”

15) In the matter of K.A. Annamma (supra), the judgment passed in the matter of Ghaziabad Zila Sahkari Bank Ltd vs Addl. Labour Commissioner (supra) has not been considered.

16) In the present case, it is not in dispute that the petitioner worked as a “Pointer” from 01.02.2013 to 15.12.2016, when his services



were orally terminated. The matter was referred by the Deputy Labour Commissioner to the Labour Court. The petitioner pleaded violation of Sections 25F and 25G of the ID Act. However, he did not plead or prove that he was a “workman” within the meaning of Section 2(s) of the ID Act, nor that the Cooperative Society is an “industry” within the meaning of Section 2(j) of the ID Act.

17) In the matter of K.A. Annamma (supra), the Hon’ble Supreme Court held that both the Cooperative Societies Act and the ID Act enjoy concurrent jurisdiction to decide service disputes between an employee and a Cooperative Society, subject to satisfaction of the conditions under the ID Act. However, the earlier judgment rendered in the matter of Ghaziabad Zila Sahkari Bank Ltd. (supra), wherein it was held that the ID Act stands excluded in relation to Cooperative Societies, was not considered in the matter of K.A. Annamma (supra). Thus, in view of the law laid down in the matter of Ghaziabad Zila Sahkari Bank Ltd. (supra), which still holds the field, the Labour Court was justified in holding that it lacked jurisdiction in the matter.

18) Consequently, in absence of pleadings and proof that the petitioner was a “workman” under Section 2(s) of the ID Act and the respondent Society an “industry” under Section 2(j) of the ID Act, the learned Labour Court has not committed any error of law while dismissing the



claim for want of jurisdiction. Accordingly, the writ petition fails and is hereby dismissed.

19) However, the petitioner would be at liberty to take remedy available under the law.”

- 18** It is also pertinent to note that after dismissal of the writ petition vide order dated 10.09.2025, the appellant/writ petitioner preferred Review Petition No.391/2025 seeking review and recall of the said order. The principal contention raised before the learned Single Judge in the review proceedings was that the judgment of the Hon'ble Supreme Court in **K.A. Annamma** (supra) had not been properly appreciated and that the Labour Court had never adjudicated upon the issue as to whether the appellant/writ petitioner was a "workman" within the meaning of Section 2(s) of the Industrial Disputes Act, 1947. It was further contended that the order passed in the writ petition suffered from an apparent error on the face of the record warranting review.
- 19** The learned Single Judge, after considering the submissions advanced on behalf of the appellant/writ petitioner, dismissed the review petition vide order dated 17.02.2026. The learned Single Judge observed that the judgment rendered in **K.A. Annamma** (supra) had already been considered while deciding WPL No.123/2023 and that a specific finding had been recorded that the appellant/writ petitioner had failed to establish, either by pleadings or by evidence, that he was a "workman" under Section 2(s) of the Industrial Disputes Act, 1947. The learned Single



Judge further held that the review petition did not disclose any error apparent on the face of the record and that the appellant/writ petitioner was, in effect, seeking a rehearing of the matter on merits, which is impermissible in exercise of review jurisdiction under Order XLVII Rule 1 of the Code of Civil Procedure.

- 20** Having heard learned counsel for the parties and upon careful examination of the record, we find that the learned Single Judge has considered the entire controversy in its correct perspective. The principal issue which arose for consideration was whether the appellant/writ petitioner had established the necessary foundational facts for invoking the jurisdiction of the Labour Court under the Industrial Disputes Act, 1947. The learned Single Judge has recorded a categorical finding that there was neither any specific pleading nor any evidence to establish that the appellant/writ petitioner was a "workman" within the meaning of Section 2(s) of the Industrial Disputes Act, 1947 or that the respondent-Society was an "industry" within the meaning of Section 2(j) of the said Act.
- 21** Even otherwise, the learned Single Judge has taken note of the law laid down by the Hon'ble Supreme Court in ***K.A. Annamma*** (supra), and has observed that the jurisdiction under the Industrial Disputes Act can be invoked only upon fulfilment of the conditions stipulated therein. In absence of the foundational pleadings and proof necessary to attract the provisions of the Industrial Disputes



Act, the appellant/writ petitioner could not have claimed adjudication of his dispute by the Labour Court as a matter of right.

- 22** We are also unable to accept the contention that the learned Single Judge committed any jurisdictional error while dismissing the review petition. The scope of review jurisdiction is extremely limited. A review cannot be treated as an appeal in disguise nor can the Court rehear the matter on merits merely because another view is possible. The learned Single Judge has rightly relied upon the settled principles governing review jurisdiction and has correctly concluded that no error apparent on the face of the record was made out by the appellant/writ petitioner.
- 23** It is well settled that an intra-Court appeal is not intended to permit a reappreciation of every factual and legal finding recorded by the learned Single Judge unless such findings are shown to be perverse, patently illegal or suffering from manifest jurisdictional error. In the present case, we find that the conclusions arrived at by the learned Single Judge are based upon the pleadings, evidence available on record and the applicable legal principles. No material has been brought to our notice which may persuade us to take a view different from the one taken by the learned Single Judge.
- 24** In view of the foregoing discussion, we are of the considered opinion that the order dated 10.09.2025 passed by the learned



Single Judge in WPL No.123/2023, as well as the subsequent order dated 17.02.2026 passed in Review Petition No.391/2025, do not suffer from any illegality, perversity or jurisdictional infirmity warranting interference in exercise of appellate jurisdiction under Chapter V-A of the High Court Rules.

- 25** Consequently, finding no merit in the present writ appeal, the same deserves to be and is hereby **dismissed**. No order as to costs.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice

Anu