



2026:CGHC:21434

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPL No. 165 of 2017

1 - Bharat Aluminium Company Limited Through Its Chief Executive Officer And Whole Time Director, Balco Nagar, Korba Chhattisgarh P I N 495684., Chhattisgarh

... **Petitioner**

versus

1 - Parshuram Latiyar S/o Late Kriparam Latiyar, R/o C/o Dhruw Kumar Suryavanshi, House No. 437, Ward No. 37, Ganesh Nagar, Bhadrpara, Municipal Corporation Korba, Post Balco Nagar, Thana Korba, District Korba Chhattisgarh., Chhattisgarh

2 - Labour Court Under Industrial Dispute Act, 1947, Korba, District Korba Chhattisgarh., District : Korba, Chhattisgarh

... **Respondent(s)**

For Petitioner	: Mr. Manoj Paranjpe, Senior Advocate along with Mr. Sharad Mishra, Advocate
For Respondent No.1	: Mr. Abhishek Singh, Advocate
For State	: Mr. RCS Deo Samant, PL

Hon'ble Shri Justice Rakesh Mohan Pandey

Judgment On Board

07.05.2026

1) By way of this petition, the petitioner has sought following reliefs:-

“10.1 That the Hon'ble Court may be kind enough to issue an appropriate writ/order/direction against respondents including the writ of certiorari quashing/setting aside the impugned order dated (21.06.2017 passed in Case No. 20/I.D. Act/2015 (Annexure P/1), in the interest of justice.

10.2 That the Hon'ble Court may be kind enough to issue an appropriate writ/order/direction quashing/setting aside the entire proceedings carried out by respondent no.2 in Case No. 20/I.D. Act/2015 in the interest of justice holding it is hit by principles of estoppels.

10.3 Alternative it is prayed that the that the Hon'ble Court may be kind enough to issue an appropriate writ/order/direction to the respondent no.1 to deposit the

entire terminal/retiral benefits received by him at the time of retirement with interest before the respondent no.2 proceeds with the case of the respondent no.1 in the interest of justice and equity.

10.4 Any other relief which the Hon'ble Court deems fit under the facts and circumstances of the case may kindly be granted to the petitioner.”

- 2) The facts in brief are that respondent No.1/workman by filing statement of claim sought a direction to the petitioner herein to remain in service till attaining age of 60 years. An objection was raised by the petitioner to the effect that respondent No.1 is not a workman according to the provisions of Section 2(s) of the Industrial Disputes Act, 1947 (for short' the Act of 1947'). It is observed by the learned Labour Court that the objection raised by the petitioner herein would be considered at the time of final hearing of the matter and against said order, this petition has been preferred.
- 3) Mr. Paranjpe, learned Senior Counsel appearing for the petitioner would submit that respondent No.1 is not a workman according to provisions of Section 2(s) of the Act of 1947. He would further submit that the petitioner has placed sufficient documents to substantiate this fact but at the same time, the workman has adduced evidence before the learned Labour Court and the case is set for evidence of the petitioner on 5th of June, 2026. He would contend that the petitioner may be permitted to raise all available grounds before the learned Labour Court and a direction may be issued to the concerned Labour Court to conclude the proceedings at the earliest.

- 4) On the other hand, learned counsel appearing for respondent No.1 would oppose the submissions. He would submit that respondent No.1 is a workman and he has right to raise all service disputes before the learned Labour Court. He would contend that this petition deserves to be dismissed.
- 5) I have heard the learned counsel appearing for the parties and perused the documents placed on record.
- 6) It is admitted fact that the learned Labour Court framed issues and thereafter, workman has adduced evidence and case is fixed for evidence of the petitioner herein on 5th of June, 2026, therefore, it would not be apt to consider the issue as to whether respondent No.1 is a workman or not, therefore, this petition is disposed of reserving liberty in favour of the petitioner to raise all available legal grounds before the learned labour Court and said Court is directed to conclude the proceedings and pass final award expeditiously.
- 7) With the aforesaid observation(s)/direction(s), the present petition is **disposed of**.
- 8) Interim order granted earlier is hereby vacated.

Sd/-

(Rakesh Mohan Pandey)
JUDGE