



2026:CGHC:36147



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPL No. 241 of 2017

- Ramesh Kumar Pandey S/o Shri Tulsi Prasad Pandey, Aged About 55 Years
R/o Village Puthpura, Post Khokhra, Tahsil And Police Station Janjgir,
District Janjgir Champa Chhattisgarh

... Petitioner

versus

1. State Of Chhattisgarh Through Secretary Department Of Agriculture,
Mahanadi Bhawan, Naya Raipur District Raipur Chhattisgarh
2. Udyan Adhikshak, Puthpura, Village Puthpura, Post Khokhra, Tahsil And
Police Station Janjgir District Janjgir Champa Chhattisgarh

... Respondent(s)

For Petitioner	: Mr. S.P. Kale, Advocate holding the brief of Mr. Lav Sharma, Advocate
For State	: Mr. Kanwaljeet Singh Saini, Dy. G.A.

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

14.08.2026

1. The petitioner has filed this petition assailing the award passed by the learned Labour Court, Janjgir-Champa in Case No. 28/IDA/2012(Ref.) dated 24.01.2017, whereby statement of claim preferred by the petitioner was dismissed.
2. The facts of the case, as pleaded by the petitioner in writ petition, are that the petitioner was appointed as a daily-rated employee under the respondents in the year 1982, and subsequently, his services were discontinued in the year 1988-89. He further pleaded that he worked for 240 days in a calendar year



prior to date of termination of his service. The petitioner approached the Assistant Labour Commissioner, and resultantly, matter was referred by the appropriate Government to the concerned Labour Court to decide the question as to *whether the termination of workman was just and proper, if not, what relief can be granted ?* The respondent appeared before the learned Labour Court and filed its reply subsequently issues were framed. During the pendency of said dispute, the parties entered into settlement on 07.02.1992, wherein department agreed to reinstate the services of the petitioner herein without backwages.

3. The petitioner approached respondent authorities on 08.02.1992, but he was not permitted to join the services. The petitioner approached Assistant Labour Commissioner and the appropriate Government referred the matter treating it a case of termination. In subsequent round of litigation the respondent herein filed their reply to the statement of claim and learned Labour Court frames issued. The workman wanted to claim backwages whereas reference was made to examine validity of his termination, therefore, learned Labour Court dismissed the statement of claim vide order dated 24.01.2017.
4. Mr. S.P. Kale, Advocate would contend that when question for termination was referred by the appropriate Government, the concerned Labour Court should have afforded an opportunity to the petitioner herein for modification of such question. He would contend that a settlement was arrived at between the parties in the month of February, 1992, and therefore, the respondents are under obligation to reinstate the petitioner in services. It is argued that the petitioner was not paid wages, therefore, application was moved under



Section 33C(2) of Act of 1947 and the learned Labour Court wrongly considered it a reference for reinstatement. He would submit that the order is bad in law and matter may be remitted back to the learned Labour Court to decide it afresh treating it an application under Section 33C(2) of Act of 1947.

5. On the other hand, Mr. Saini, Dy. G.A. would oppose. He would submit that statement of claim was filed by the petitioner herein, wherein he categorically claimed backwages from 08.02.1992 till 28.02.2010. He would contend that as matter was referred by the appropriate Government to decide the validity of termination of petitioner, therefore, the learned Labour Court decided that issue. He would contend that during the pendency of dispute the petitioner never approached the appropriate Government for modification of question for determination. He would submit that as there was no claim of reinstatement, therefore, the learned Labour Court rightly dismissed the statement of claim. He would submit that this petition deserves to be dismissed.
6. I have heard learned counsel for the parties and perused the documents placed on record.
7. Perusal of the statement of claim would show that the petitioner claimed reinstatement in service along with backwages, whereas, parties had arrived at a settlement on 07.02.1992, but he never approached the employer to resume his duties. As there was no case of termination from services and petitioner should have moved application claiming therein backwages, but wrongly he claimed reinstatement, therefore, the learned Labour Court rightly dismissed the statement of claim filed by the petitioner. The learned



Labour Court has considered the grounds raised by the petitioner and evidence led thereon. I do not find any good ground to interfere with the findings recorded by the learned Labour Court, accordingly, this petition fails and is hereby **dismissed**.

Sd/-
(Rakesh Mohan Pandey)
JUDGE

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