



2026:CGHC:10428

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPL No. 96 of 2017**

1 - State Of Chhattisgarh Through Secretary, Department Of Forest, Mahanadi Bhawan, Capital Complex, Naya Mantralaya, Raipur Chhattisgarh. Petitioner No. 1 Was Not A Party Before The Learned Appellate Authority And Learned Labour Court, But Has Been Impleaded As Petitioner N. 1 In The Instant Petition As The Proper Course Is To Implead The State Government Through The Secretary Of Concerned Department . , Chhattisgarh

2 - Divisional Forest Officer, Forest Division, Rajnandgaon, Police Station Rajnandgaon, District Rajnandgaon Chhattisgarh, District : Rajnandgaon, Chhattisgarh

--- Petitioner(s)**versus**

1 - Sawant Ram S/o Mansharam Gond, R/o Village Chamrutola, Post Mudpar Police Station Ambagarh Chouki Tahsil Ambagarh Chouki, District Rajnandgaon Chhattisgarh, Chhattisgarh

--- Respondent(s)

For Petitioner(s)	:	Mr. R. K. Gupta, Addl. A. G.
For Respondent(s)	:	Mr. Manish Nigam, Adv.

(Hon'ble Shri Justice Sachin Singh Rajput)**Order on Board****27/02/2026**

1. Challenge in this petition is to an award dated 30.03.2013 declared on 29.05.2013 passed by the learned Judge under ID Act, Labour Court Rajnandgaon (CG) in Case No.69/ I. D. Act/ Reference/ 2011. By the impugned award, the learned Labour Court allowed the statement of claim filed by the petitioner and directed the reinstatement of the petitioner without any back-wages.
2. Learned counsel for the petitioner submits that the statement of claim was filed pursuant to a reference made by the office of Deputy Labour Commissioner,

Government of CG, dated 08.04.2010. In the statement of claim, the respondent contended that he was working as a Chowkidar at Sub Range Kodikasa of Ambagarh Chowki Range from the 2000 and was paid his salary through vouchers. He further asserted that he had worked for more than 240 days in a calendar year. He was subsequently terminated via an oral order in March, 2008 without any reason being assigned. No charge-sheet was issued, no departmental enquiry was conducted and no opportunity for a hearing was granted. Furthermore, One month's salary was not paid and no retrenchment compensation was provided, thus there is a violation of Section 25 (f) of Industrial Disputes Act, 1947. By filing written statement, the statement of claim was denied by the petitioner- employer in toto. It was specifically denied that the respondent worked with the petitioner as a Chowkidar since 2000, it is submitted that this fact is required to be proved by the respondent. It has been further stated that daily wage laborers are engaged according to the exigencies of work, and their attendance is recorded in the muster roll. They were paid equivalent to the work performed per day. No termination order was given, as they were neither permanently in service nor removed from service. All other averments were also denied. He further submits that the respondent was unable to prove that he worked for more than 240 days in a calendar year preceding his termination. Therefore, the findings on the issues framed by the learned Labour Court are bad in law, and the writ petition may be allowed.

3. Opposing the submissions made by the petitioner, learned counsel for respondent submits that the respondent has been working with the petitioner since the year 2000. He further states that the respondent sought documents regarding his engagement from the petitioner under the RTI Act, which were not provided in full. Whatever documents remained in petitioner's possession have been filed and exhibited. Apart from the evidence of the petitioner, no rebuttal evidence was led by them to contest the respondent's claims. He further submits that the Labour Court had also directed the petitioner to submit the relevant documents. However, since the same were not submitted, an adverse reference was drawn by the Labour Court.

There is no irregularity and illegality in the impugned order under Article 227 of Constitution of India, thus, the writ petition deserves to be dismissed.

4. Heard learned counsel for the parties and perused the record.
5. The claim of the respondent was that he had been working with the petitioner since the year 2000. In order to prove the same, he examined himself and testified in line with his statement of claim. He exhibited documents from Ex. P-1 to P-14, which include a certificate stating that he was working with the petitioner. The learned labour Court framed four issues on the basis of pleadings of the parties. The first issue was whether the retrenchment of the petitioner from service was legal and valid. This issue was decided in the negative. While deciding the issue, the learned Labour Court gave a categorical finding that, based on the respondent's statement, it is quite evident he continued to work from 2000 to 2008 and was paid his salary through vouchers. Despite the documents available with the petitioner, the respondent was retrenched without notice or recorded reasons, while outside persons were allowed to work. He had also demanded his payment vouchers under the RTI Act for the period of 2000 to 2008 but the entire documents were not provided. The learned labour Court further observed that on 14.09.2012, the petitioner was specifically directed to produce documents regarding the respondent. Despite this direction, no documents were filed nor were any adequate reasons assigned for the failure to submit them. Consequently, the labour Court correctly drew an adverse inference against the petitioners. It was also observed that no witness was examined on behalf of the petitioners. Thus, relying upon the documents available on record, the Court held that the petitioners' action were in violation of Section 25 (f) of the ID Act and decided the issues in favour of respondent and against the petitioners. The findings recorded by the labour Court are based on a proper appreciation of the evidence on record. This Court finds no irregularity, illegality or jurisdictional error in the impugned order. Thus, the writ petition is dismissed.

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Sd/-
(Sachin Singh Rajput)
JUDGE