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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 4443 of 2026

1 - Shailendra Prasad Rathore S/o Late Siyalal Rathore Aged About 51 Years R/o Mq-22, Azad Chowk, Deepka Colony, Korba, District Korba, Chhattisgarh.

... Petitioner(s)

versus

1 - South Eastern Coalfields Limited Through Its Chairman-Cum-Managing Director, Secl Headquarter, Seepat Road, Sarkanda,

2 - Director (Hr) /appellate Authority South Eastern Coalfields Limited, Bilapur, District Bilaspur, Chhattisgarh.

3 - The General Manager Secl Gevra Project, District Korba, Chhattisgarh.

4 - Deputy General Manager (Mines) / Mines Manager Secl, Gevra Project, Korba, District Korba, Chhattisgarh.

5 - Chief Manager (Mines) /inquiry Officer Secl, Gevra Project, Korba, District Korba, Chhattisgarh.

6 - Smt. Santoshi Bai D/o Jhaduram Aged About 40 Years R/o Village Bandhapali, P.O. Pidiya, Tahsil And District Korba, Chhattisgarh.

... Respondent(s)



For Petitioner(s)	:	Mr. Saket Pandey, Advocate
For Respondents No. 1 to 5	:	Mr. Palash Tiwari, Advocate

(Hon'ble Shri Justice Narendra Kumar Vyas)

Order on Board

29/05/2026

The petitioner, who was employed as a General Mazdoor with South Eastern Coalfields Limited, has invoked the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India, calling in question the legality, validity and propriety of the orders dated 23.01.2025, 04.02.2025 and 09.03.2026, whereby his services came to be terminated and the said action was affirmed by the appellate authority. The challenge is principally founded on the plea that the petitioner has been acquitted by the competent criminal court and, therefore, the impugned action is unsustainable in law.

2. Learned counsel appearing for the petitioner submits that the impugned enquiry report dated 23.01.2025 and the consequential orders deserve to be quashed and set aside. It is further contended that the petitioner is entitled to reinstatement in service along with all consequential and monetary benefits flowing therefrom.

3. Per contra, learned counsel appearing for the respondents submits that the petitioner admittedly falls within the definition of a "workman" under the provisions of the Industrial Disputes Act, 1947 and, therefore, has an efficacious and alternative statutory remedy



available under the said enactment. It is contended that in view of the availability of such remedy, the present writ petition is not maintainable and is liable to be dismissed.

4. I have heard learned counsel for the parties and perused the material available on record.

5. Upon consideration of the rival submissions, this Court finds that the petitioner is a workman within the meaning of Section 2(s) of the Industrial Disputes Act, 1947. The grievance raised by the petitioner pertains to termination of service and the consequential service benefits, which are matters squarely falling within the domain of the industrial adjudicatory mechanism provided under the said Act. The petitioner, therefore, has an efficacious statutory remedy for redressal of his grievance.

6. In view of the availability of such alternative remedy, this Court is not inclined to entertain the present writ petition on merits. However, in the interest of justice, liberty is reserved in favour of the petitioner to raise an industrial dispute before the Assistant Labour Commissioner/appropriate authority under the provisions of the Industrial Disputes Act, 1947, within a period of forty-five (45) days from the date of receipt of a copy of this order.

7. In the event such proceedings are initiated within the aforesaid period, the concerned authority shall make an endeavour to conclude the conciliation proceedings expeditiously, preferably within a period of two months thereafter. If the dispute remains unresolved, further steps



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for reference and adjudication shall be undertaken by the competent authority strictly in accordance with law.

8. With the aforesaid observations and liberty, the writ petition stands disposed of.

Sd/-

(Narendra Kumar Vyas)
Judge