



2026:CGHC:14889



2026:CGHC:14889

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPL No. 156 of 2018

- Chief Superintendent of Post Offices Raigarh Divisional, Raigarh, Chhattisgarh

... Petitioner

versus

- Shri R. D. Haripriya Divisional Secretary, National Union of Postal Employees Group-C, Chhattisgarh Raigarh Division, Head Post Office, Raigarh, Chhattisgarh

... Respondent

For Petitioner	: Mr. Ramakant Mishra, Dy. Solicitor General
For Respondent	: Mr. B.L. Dembra, Advocate

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

01.04.2026

1. The petitioner has challenged the judgment and award passed by the learned Central Government Industrial Tribunal-cum-Labour Court, Jabalpur passed in Case No. CGIT/LC/R/102/2012 dated 10.08.2017, whereby, the learned Tribunal answered the reference in the affirmative in favour of the workman and passed an award for reinstatement with continuity of service with full back-wages and also directed to extend benefit of regularization on the post of driver.
2. The facts in brief are that an application was moved by the workman before the competent Government and a reference was made under Section 10 of



the Industrial Disputes Act, 1947, which reads as under :-

"Whether the action of the management of the Chief Post Master General, Chhattisgarh Circle, Raipur (CG) & the Chief Superintendent of Post Offices, Raigarh Divisional Raigarh, Distt. Raigarh (CG) in engaging and continuing of Shri Subhash Singh Malakar as Driver on daily wage basis for the years together (i.e. 28-7-93 onwards till date) and depriving him of the status and privilege of permanent employee is legal proper and justified? If not, what relief the said workman is entitled to and from which date?"

3. The workman filed a statement of claim that he was appointed as daily wage worker on 28.07.1993 against a vacant post and he continuously worked there as Jeep Driver. He further pleaded that he worked satisfactorily, but without affording any opportunity of hearing and contrary to the provisions of Section 25F of the ID Act, 1947 his services were discontinued on 13.05.2013 during the pendency of reference. The workman further pleaded that he worked for 240 days in a calendar year. He examined himself and exhibited 21 documents. The management examined D.K. Panda, Superintendent of Post, Raigarh, who stated that after compulsory retirement of Tribhuwan Singh, the petitioner was engaged as daily rated employee. He further stated that his name was not sponsored through Employment Exchange. It is also stated that he did not complete continuous service of 240 days in a calendar year. The learned Labour Court considered the evidence available on record and passed award as under :-

“11. In the result, award is passed as under : -

- (1) The action of the management in not regularizing services of workman is illegal.



(2) Termination of service of workman on 13-5-13 during pendency of reference is illegal.

(3) 2nd party is directed to reinstate workman with continuity of service and full backwages and give him benefit of regularization on post of Driver.

(4) Amount as per above order shall be paid to workman within 30 days from the date of notification of award. In case of default, amount shall carry 9% interest per annum from the date of award till its realization.”

4. Mr. Ramakant Mishra appearing for the petitioner would submit that the workman failed to establish the fact that he worked for 240 days in a calendar year. He would submit that the management examined Mr. D.K. Panda, who proved the fact that the petitioner was never engaged by department and he did not worked for continuous 240 days in a calendar year, and therefore, the award passed by the learned Labour Court deserves to be set-aside.
5. On the other hand, Mr. B.L. Dembra would submit that workman examined himself and exhibited 21 documents. He would submit that the management failed to produce single document to demonstrate that the workman was not engaged against sanctioned and vacant post of driver. He would submit that the learned Tribunal after appreciating oral and documentary evidence passed an award in favour of the workman and there is no illegality and infirmity in the said award.
6. I have heard learned counsel for the parties and perused the documents placed on record.
7. The workman appeared before the learned Labour Court and categorically



deposed that he worked for continuous 240 days in a calendar year under the management on the post of driver. He exhibited Ex. W/1/experience certificate, which shows that he worked on daily wages since 28.07.1993 and said certificate was issued on 27.12.2002, Ex. W/2 dated 23.08.1993 would show that workman was being paid daily wages, Ex. W/3 is a payment slip dated 03.09.1993, Ex. W/4 is a representation submitted by the workman dated 21.04.2008, Ex. W/5 and W/6 are letters given by the workman, Ex. W/7 to Ex. W/20 are the payment slips and Ex. W/21 is an application submitted by the workman to Assistant Labour Commissioner. The services of the petitioner were terminated while the reference proceeding was pending consideration before the Assistant Labour Commissioner.

8. Taking into consideration the above-discussed facts and findings recorded by the learned Labour Court, I do not find any good ground to interfere with the award dated 10.08.2017. Accordingly, this petition fails and is hereby **dismissed**.

Sd/-
(Rakesh Mohan Pandey)
JUDGE