



2026:CGHC:10652



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPL No. 77 of 2021

1 - Kholbahra Sahu S/o Govershan Sahu Aged About 29 Years R/o Village Jarve (C), Janjgir, Tahsil And Police Station Janjgir, District - Janjgir - Champa (C.G.)

... **Petitioner**

versus

1 - State Of Chhattisgarh Through The Secretary, Public Works Department, Mahanadi Bhawan, Mantralaya Atal Nagar, Naya Raipur (C.G.)

2 - Executive Engineer, P.W.D. Department, Champa, District - Janjgir - Champa (C.G.)

3 - Sub Divisional Officer, P.W.D. Department, Janjgir, District Janjgir - Champa (C.G.)

... **Respondents**

{Cause title, as taken from CIS}

For Petitioner	: Mr. Akash Agrawal and Mr. Rakesh Kumar Manikpuri, Advocate.
For Respondent /State	: Mr. Rohitashva Singh, Dy. Govt. Advocate.

Hon'ble Shri Justice Sachin Singh Rajput

Order On Board

28/02/2026

1. Instant writ petition under Article 226 of the Constitution of India has been preferred by the petitioner against the award dated 05.10.2021, delivered on 02.11.2021, passed by Presiding Judge under Industrial Disputes Act, Labour Court, Janjgir, District Janjgir-Champa (C.G.) in Case



No. 02/I.D.A./2019 (ref.) whereby statement of claim filed by the petitioner/workman seeking relief of his reinstatement in service was rejected.

2. Learned counsel for the petitioner/workman submits that the petitioner was working with the respondents-Department from 31.12.2013 to 14.08.2017 on the post of "Carpenter" i.e. more than 240 days in one calendar year and attained the status of permanent employee. He further submits that without following the due procedure as prescribed under Section 25-F of the Industrial Dispute Act, 1947 (for brevity, "ID Act, 1947"), the petitioner was retrenched from 1st September, 2017. Before terminating the services of the petitioner, neither any notice was given to the petitioner, nor one month's salary was paid, nor any charge sheet was filed against him, nor any inquiry was conducted and nor any retrenchment compensation was paid to the petitioner. Thus, the dispute was raised by the petitioner before Deputy Labour Commissioner, Chattisgarh, Atal Nagar, Raipur (Appropriate Government), The said appropriate Government while exercising power under Section 10 of the ID Act, 1947 send the reference to the Learned Labour Court and, therefore, the petitioner has filed statement of claim on the above-stated grounds. Written statement has also been filed by the respondents-Department denying the averments made in the Statement of Claim filed by petitioner. He submits that learned Labour Court framed two issues and found that the retrenchment of the petitioner from the services was legal and proper and he is not entitled to get any relief.

3. Learned counsel appearing for the petitioner further submits that the petitioner examined himself before learned labour Court, though the petitioner has filed certain documents to demonstrate the fact that the petitioner had continuously worked with the respondent-Department on the post of



"Carpenter" from 31.12.2013 to 14.08.2017, i.e. for more than 240 days in a calendar year before the date of his retrenchment, however, in absence of some more documents to demonstrate the aforesaid fact, the learned Labour Court has recorded a finding that the petitioner failed to prove that he worked for continuous period of 240 days in a one calendar year preceding the date of retrenchment. It is contended that all the requisite / necessary documents are appended with the writ petition, but unfortunately the same could not be placed before the learned Labour Court for proper adjudication of the case. As such, the matter may be remanded back to the learned labour Court permitting him to file the requisite documents to prove the fact that he worked for continuous period of 240 days in a one calendar year preceding the date of retrenchment.

4. Per contra, learned counsel for the State submits that it the bounden duty of the petitioner – workman to prove the fact that he worked for continuous period of 240 days in a one calendar year preceding the date of retrenchment, which he failed to prove in accordance with law, thus, the issue no. 1 & 2 decided by learned Labour Court appears to be based on proper appreciation of evidence available on record, which does not call for any interference in the instant appeal.

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

6. Rejection of statement of claim filed by the petitioner was merely on the ground that the petitioner failed to prove the fact that he worked for continuous period of 240 days in a one calendar year preceding the date of retrenchment. The bulky documents have been produced to demonstrate the fact that he worked for continuous period of 240 days in a one calendar year



preceding the date of retrenchment, thus, in the interest of justice, this Court is of the opinion that one more opportunity may be given to the petitioner before the Labour Court, so that, he may prove his case before the Labour Court. Thus, this Court is inclined to set aside the impugned order remanding back the matter to the Labour Court for deciding the statement of claim filed by the petitioner after affording due opportunity to the petitioner to file additional documents in support of his statement of claim.

7. Accordingly, the writ petition is partly allowed. Impugned order dated 05.10.2021 is set aside and the matter is remanded back to the learned Labour Court to consider and decide the statement of claim filed by petitioner-workman afresh after affording opportunity to the petitioner to file additional documents in support of his statement of claim in accordance with law.

8. The parties are directed to appear before the learned Labour Court on 10th April, 2026. Record of the learned Labour Court be sent back forthwith.

Sd/-

(Sachin Singh Rajput)
Judge