



2026:CGHC:12990



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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPL No. 150 of 2022

- Rajenda Kumar Solanki Bhanwar Lal Solanki Aged About 67 Years R/o- Amas Automobile-5, Madhav Club, Station Road Feeganj, Ujjain, Tahsil And, District : Ujjain, Madhya Pradesh
... **Petitioner(s)**

versus

- Mukhya Karyapalan Adhikari , Bharat Aluminium Company (Balco Nagar Korba), Tahsil And, District : Korba, Chhattisgarh
- Presiding Officer Labour Court, Korba, District : Korba, Chhattisgarh

... **Respondent(s)**

For Petitioner	:	Mr. Yogesh Chandra Sharma, Advocate
For Respondent No. 1	:	Mr. Abhishek Sinha, Senior Advocate assisted by Mr. Ghanshyam Patel, Ms. Jasleen K. Gulati and Ms. Debashree Chatterjee, Advocates

Hon'ble Shri Justice Rakesh Mohan Pandey

Judgment On Board

18.3.2026

- By way of this petition, petitioner has challenged the award passed by the learned Labour Court, Korba in Case No. 11/ID Act/2015/ Ref. Dated 5.8.2022 whereby statement of claim filed by the petitioner has been dismissed.



- 2) Facts of present case are that petitioner was appointed to the post of General Mazdoor under respondent-management on 20.3.1979 and his services were terminated on 3.10.1997 according to Clause 29 (xix) of Standing Order pursuant to conviction in Sessions Trial No. 126/1991 for offence punishable U/s 302 read with Section 34 of IPC. Petitioner preferred appeal against the termination order before the appellate authority and same was dismissed vide order dated 16.5.2000. Subsequently, petitioner was acquitted of the charges framed against him in Criminal Appeal No. 1303 of 1997 vide judgment dated 24.1.2014. Petitioner moved application before the respondent-management for revocation of termination order on 24.7.2014 on the ground that he was acquitted by the competent criminal court before attaining the age of superannuation. It appears that application moved by the petitioner was not considered, therefore application was moved before Deputy Labour Commissioner, Raipur. Thereafter, a reference was made to the Labour Court, Korba on 27.5.2015 ; issues were framed ; parties led evidence and thereafter award was passed on 5.8.2022 whereby statement of claim of petitioner was dismissed.
- 3) Learned counsel for the petitioner submits that foundation of termination order was conviction in criminal case and petitioner was acquitted from the charges framed against him in Criminal Appeal No. 1303 of 1997 vide judgment dated 24.1.2014 prior to attaining the age of superannuation, therefore respondent-



management was under obligation to consider the claim of petitioner for recalling the termination order and issue of limitation would not arise. He has placed reliance on the judgment rendered by Hon'ble Division Bench in matter of ***Surit Ram Versus State of Chhattisgarh*** passed in **Writ Appeal No. 355 of 2014**. He further submits that learned Labour Court has dismissed the statement of claim on non-existing grounds whereas other employees of respondent-management who were convicted for commission of offence punishable u/s 302 of IPC were re-instated in service after their acquittal in respective criminal cases. He prays parity with those employees.

- 4) On the other hand, learned Senior counsel appearing for the respondent-management submits that services of petitioner were terminated according to provisions of Clause 29(xix) of the Standing Order on account of registration of criminal case and subsequent conviction vide judgment dated 17.6.1997. He further submits that departmental appeal preferred by the petitioner was dismissed vide order dated 16.5.2000 and said order attained finality as same was not challenged before any higher forum. He contends that Labour Court did not specifically observe whether the petitioner reached the age of retirement before his acquittal. He further contends that reference was made to decide the issue as to whether the termination order is valid or not and whether the termination order was valid from date of its issuance till acquittal of petitioner in criminal case. He argues that as the departmental



appeal was dismissed on 16.5.2000 and reference was made in the year 2015, same was barred by limitation and issue of limitation is one of the grounds considered by the Court below while dismissing the statement of claim.

- 5) I have heard learned counsel for the parties and perused the record with utmost circumspection.
- 6) Admittedly, petitioner was convicted for offence punishable under Sections 302 and 34 of IPC vide judgment dated 17.6.1997 and it became the foundation for the respondent-management to terminate the services of petitioner according to Clause 29(xix) of Standing Order which states that *conviction of an employee for commission of offence involving moral turpitude would come within definition of 'misconduct'*. It is not in dispute that petitioner preferred departmental appeal which was dismissed vide order dated 16.5.2000. Perusal of record would indicate that petitioner has not placed any document to demonstrate that said order was challenged by him before any higher forum, thus it attained finality.
- 7) It is argued by Mr. Sharma that petitioner's date of birth as per service record is 22.8.1955 and on the date of acquittal i.e. 24.1.2014 he had not attained the age of superannuation. However, record of learned Court below would show that in para-7 of the affidavit filed under Order 18 Rule 4 of CPC, Mukesh Saraf, Asst. Manager (HR) working under respondent-management



stated that petitioner's date of birth is 22.8.1955 and he has attained the age of 60 years. It is clear that petitioner failed to submit any document before learned Court below to demonstrate that he had not attained the age of 60 years on the date of passing of judgment in CRA No. 1303 of 1997.

- 8) With regard to issue of limitation, this Court while dismissing WPL No. 200 of 2016 vide order dated 10.2.2017 reserved liberty in favor of respondent-management to raise the issue of limitation before the learned Labour Court and pursuant to said order, learned Court below framed additional issue with regard to limitation and recorded a finding that termination order dated 3.10.1997 has been challenged by petitioner after 17 years. It was also observed that petitioner was acquitted on 24.1.2014 and reference was made after six months from that date. Petitioner could not dispute these facts.
- 9) Though, in the matter of **Surit Ram** (supra), Hon'ble Division Bench has held that ID Act, 1947 does not prescribe any limitation period for raising an industrial dispute or seeking reference by the Government and delay is not a jurisdictional bar and dispute can still be referred but it is also held that long unexplained delay may weigh against the workman, especially if it causes prejudice to the employer.
- 10) In the present case, statement of claim preferred by the petitioner was referred by the competent government to learned Labour



Court, which dismissed the statement of claim on the premise that petitioner remained in state of slumber for 14 years from the date of dismissal of departmental appeal and reference has been made six months after acquittal. It is also observed that termination order passed by respondent-management was in accordance with the Standing Order and at that time, said order was legal and valid.

- 11)** In view of the foregoing discussion, in the opinion of this Court, no case is made out to interfere with the award dated 5.8.2022. Consequently, this petition fails and is hereby **dismissed**.

Sd/-
(Rakesh Mohan Pandey)
JUDGE

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