

SUPREME COURT OF INDIA

State of Chhattisgarh

Vs.

Karishna Kumar Kashyap

C.A.No.5813 of 2017

(Kurian Joseph and R.Banumathi,JJ.,)

01.05.2017

JUDGMENT

Kurian Joseph,J.,

SLP(Civil)No.36862/2016

1. Delay condoned.
2. Leave granted.
3. The only issue in these cases is, whether the learned Single Judge of the High Court was justified in making the classification while interfering with the award passed by the Labour Court, between those who had ten years of service and those with less than ten years of service.
4. We are afraid, the approach made by the learned Single Judge of the High Court is not sustainable under law. The only relevant consideration is, whether the workman had completed 240 days within a period of one year continuous service. It was that legal error that was corrected by the Division Bench in the impugned judgment.
5. We are informed that all the respondents/workmen have been working ever since the award was passed by the Labour Court. That means all the respondents have been working for quite some time now.
6. Learned counsel appearing for the appellant No.1/State has submitted that the State may not have sufficient work for accommodating the respondents. If that be so, it is for the appellant No.1/State to take appropriate steps in accordance with the procedure prescribed under the Industrial Disputes Act, without prejudice to any other liberty available to them to act in accordance with law.

7. We also find that a coordinate Bench of this Court has already dealt with the similar issue leading to order dated 03.01.2017 rendered in Civil Appeal No.34 of 2017 declining to interfere with the award passed by the Labour Court.

8. The appeals are, accordingly, dismissed.

9. Pending applications, if any, shall stand

10. There shall be no orders as to costs.