

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5813 OF 2017

[@ SPECIAL LEAVE PETITION (C) NO.36862/2016]

STATE OF CHHATTISGARH AND ANR.

APPELLANT(S)

VERSUS

KARISHNA KUMAR KASHYAP

RESPONDENT(S)

WITH

CIVIL APPEAL NO.5815 OF 2017 @ SLP(C) No. 36863/2016,
CIVIL APPEAL NO.5816 OF 2017 @ SLP(C) No. 36864/2016
CIVIL APPEAL NO.5818 OF 2017 @ SLP(C) No. 36865/2016
CIVIL APPEAL NO.5825 OF 2017 @ SLP(C) No. 36869/2016
CIVIL APPEAL NO.5827 OF 2017 @ SLP(C) No. 346/2017
CIVIL APPEAL NO.5828 OF 2017 @ SLP(C) No. 11431/2017
CIVIL APPEAL NO.5832 OF 2017 @ SLP(C) No. 11433/2017
CIVIL APPEAL NO.5833 OF 2017 @ SLP(C) No. 10912/2017
CIVIL APPEAL NO.5834 OF 2017 @ SLP(C) No. 11430/2017
CIVIL APPEAL NO.5835 OF 2017 @ SLP(C) No.14281/2017 @
CC No(s). 7815/2017

J U D G M E N T

KURIAN, J.

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 disposed of.

10. There shall be no orders as to costs.

.....J.
[KURIAN JOSEPH]

.....J.
[R. BANUMATHI]

NEW DELHI;
MAY 01, 2017.

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 36862/2016
(Arising out of impugned final judgment and order dated 27/11/2015
in WA No. 574/2015 passed by the High Court of Chhatisgarh at
Bilaspur)

STATE OF CHHATTISGARH AND ANR.

PETITIONER(S)

VERSUS

KARISHNA KUMAR KASHYAP
(with office report)

RESPONDENT(S)

WITH SLP(C) No. 36863/2016 (With Office Report)

SLP(C) No. 36864/2016 (With Office Report)

SLP(C) No. 36865/2016 (With Office Report)

SLP(C) No. 36869/2016 (With Office Report)

SLP(C) No. 346/2017

SLP(C) No. 11431/2017 (With Office Report)

SLP(C) No. 11433/2017 (With Office Report)

SLP(C) No. 10912/2017 (With Office Report)

SLP(C) No. 11430/2017 (With Office Report)

CC No(s). 7815/2017 (With appln(s) for c/delay in filing SLP and
Office Report)

Date : 01/05/2017 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MRS. JUSTICE R. BANUMATHI

For Petitioner(s) Mr. Apoorv Kurup, Adv.
Mr. V.C. Shukla, Adv.
Mr. Avanish Rathi, Adv.

For Respondent(s) Mr. J.P. Mishra, Adv.
Mr. Shankar Divate, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Delay condoned.

Leave granted.

The appeals are dismissed in terms of the signed judgment.

(NARENDRA PRASAD)
COURT MASTER

(RENU DIWAN)
ASSISTANT REGISTRAR

(Signed "Non-Reportable" Judgment is placed on the file)