

Phuleshram Kashyap Vs State Of Chhattisgarh

Court: Chhattisgarh High Court

Date of Decision: Aug. 24, 2018

Hon'ble Judges: Ajay Kumar Tripathi, CJ; Parth Prateem Sahu, J

Bench: Division Bench

Advocate: C. J. K. Rao, Gary Mukhopadhyay

Final Decision: Dismissed

Judgement

Ajay Kumar Tripathi, CJ

1. Since after verification of the record of the Tribunal it is accepted position that there is no finding given by the Labour Court with regard to the fact

that the workman had worked for 240 days in the last calendar year prior to the period of termination/retranchment, therefore, the remand of the

matter to the Labour Court for recording specific finding on this aspect of the matter which will also have a bearing on the principle of 'last come first

go' cannot be said to be erroneous in any manner.

2. It is made clear that when the status of workmen with regard to them having worked for 240 days in the previous calendar year established, the

question of application of principle of 'last come first go' will arise.

3. In view of the same, this appeal is dismissed.

4. The order dated 06.04.2018 passed by the learned Single Judge remanding the matter to the Labour Court to record a finding of working for 240

days stands.