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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 372 of 2015**

B. Polamma W/o B. Ramallu, aged about 42 years, R/o Block No. L.C.1-F, Labour Camp, Bhilai, Tahsil and District Durg, Chhattisgarh.

---- Appellant**Versus**

1. Pankaj Gautam, Ex. Chief Executive Officer, SAIL, Bhilai Steel Plant, Bhilai, District Durg, Chhattisgarh
2. D.P.Satpathy, Dy. General Manager, Education Department, SAIL, Bhilai Steel Plant, Bhilai, District Durg, Chhattisgarh.
3. Sourabh Sinha, Principal, BSP, Sr. Secondary School, Sector-10, Bhilai, District Durg, Chhattisgarh.
4. State of Chhattisgarh through Secretary, Labour Department, Government of Chhattisgarh, Raipur, Chhattisgarh.
5. Deputy Labour Commissioner (State) Nirmal Chhaya Bhawan, Miradatar Road, Shankar Nagar, Raipur, Chhattisgarh.

---- Respondents**Writ Appeal No. 373 of 2015**

Kavita Chourey W/o Rahul Chourey, aged about 44 years, R/o Buddha Vihar, Street No. 1, Sector-6, Bhilai, Tahsil and District Durg, Chhattisgarh.

---- Appellant**Versus**

1. Pankaj Gautam, Ex. Chief Executive Officer, SAIL, Bhilai Steel Plant, Bhilai, District Durg, Chhattisgarh
2. D.P.Satpathy, Dy. General Manager, Education Department, SAIL, Bhilai Steel Plant, Bhilai, District Durg, Chhattisgarh.
3. P.N.Tripathi, Ex. Principal, BSP Sr. Secondary School No. 2, Sector 06, Bhilai, District Durg, Chhattisgarh.
4. State of Chhattisgarh through Secretary, Labour Department, Government of Chhattisgarh, Raipur, Chhattisgarh.
5. Deputy Labour Commissioner (State) Nirmal Chhaya Bhawan, Miradatar Road, Shankar Nagar, Raipur, Chhattisgarh.

---- Respondents

Writ Appeal No. 374 of 2015

P. Chintamani W/o Akaiya, aged about 44 years, R/o Block No. 3-F, Street No. 59, Sector-6, Bhilai, Tahsil and District Durg, Chhattisgarh.

---- Appellant

Versus

1. Pankaj Gautam, Ex. Chief Executive Officer, SAIL, Bhilai Steel Plant, Bhilai, District Durg, Chhattisgarh
2. D.P.Satpathy, Dy. General Manager, Education Department, SAIL, Bhilai Steel Plant, Bhilai, District Durg, Chhattisgarh
3. Smt. E. Ekka, Principal, BSP Emms-7 School, Bhilai, District Durg, Chhattisgarh.
4. State of Chhattisgarh through Secretary, Labour Department, Government of Chhattisgarh, Raipur, Chhattisgarh.
5. Deputy Labour Commissioner (State) Nirmal Chhaya Bhawan, Miradatar Road, Shankar Nagar, Raipur, Chhattisgarh.

---- Respondents

Writ Appeal No. 376 of 2015

Ahilya Bai (Wrongly mentioned as Ahila Bai) W/o Teluchand, aged about 40 years, Block No. L, C-1-F, Labour Camp-1, Bhilai, Tahsil and District Durg, Chhattisgarh.

---- Appellant

Versus

1. Pankaj Gautam, Ex. Chief Executive Officer, SAIL, Bhilai Steel Plant, Bhilai, District Durg, Chhattisgarh
2. D.P.Satpathy, Dy. General Manager, Education Department, SAIL, Bhilai Steel Plant, Bhilai, District Durg, Chhattisgarh.
3. R.C.Mahajan, Principal, BSP High School, Sector-8, Bhilai, District Durg, Chhattisgarh.
4. State of Chhattisgarh through Secretary, Labour Department, Government of Chhattisgarh, Raipur, Chhattisgarh.
5. Deputy Labour Commissioner (State) Nirmal Chhaya Bhawan, Miradatar Road, Shankar Nagar, Raipur, Chhattisgarh.

---- Respondents

Writ Appeal No. 377 of 2015

Budhram S/o Late Choturam, aged about 60 years, R/o Sanjay Nagar, Kumhar Para, Supela, Bhilai, Tahsil and District Durg, Chhattisgarh.

---- Appellant

Versus

1. Pankaj Gautam, Ex. Chief Executive Officer, SAIL, Bhilai Steel Plant, Bhilai, District Durg, Chhattisgarh
2. D.P.Satpathy, Dy. General Manager, Education Department, SAIL, Bhilai Steel Plant, Bhilai, District Durg, Chhattisgarh.
3. Smt. Chitra Kurre Principal, BSP High School No. 1, Sector-6, Bhilai, District Durg, Chhattisgarh.
4. State of Chhattisgarh through Secretary, Labour Department, Government of Chhattisgarh, Raipur, Chhattisgarh.
5. Deputy Labour Commissioner (State) Nirmal Chhaya Bhawan, Miradatar Road, Shankar Nagar, Raipur, Chhattisgarh.

---- Respondents

Writ Appeal No. 379 of 2015

N. Kondaiya S/o N. Polaiyya, aged about 42 years, R/o Block No. 2/F, Cross Street No. 11, Sector-6, Bhilai, Tahsil and District Durg, Chhattisgarh.

---- Appellant

Versus

1. Pankaj Gautam, Ex. Chief Executive Officer, SAIL, Bhilai Steel Plant, Bhilai, District Durg, Chhattisgarh
2. D.P.Satpathy, Dy. General Manager, Education Department, SAIL, Bhilai Steel Plant, Bhilai, District Durg, Chhattisgarh.
3. G.S.Dehtre, Principal BSP Middle School, Sector-7, Bhilai, District Durg, Chhattisgarh.
4. State of Chhattisgarh through Secretary, Labour Department, Government of Chhattisgarh, Raipur, Chhattisgarh.
5. Deputy Labour Commissioner (State) Nirmal Chhaya Bhawan, Miradatar Road, Shankar Nagar, Raipur, Chhattisgarh.

---- Respondents

Writ Appeal No. 380 of 2015

Ram Ajjaiya S/o Chinaiyya, aged about 40 years, R/o Block No. 1/A, Street No. 60, Sector-6, Bhilai, Tahsil and District Durg, Chhattisgarh.

---- Appellant

Versus

1. Pankaj Gautam, Ex. Chief Executive Officer, SAIL, Bhilai Steel Plant, Bhilai, District Durg, Chhattisgarh
2. D.P.Satpathy, Dy. General Manager, Education Department, SAIL, Bhilai Steel Plant, Bhilai, District Durg, Chhattisgarh.
3. Smt. Jolly Mathai, Principal, BSP, Sr. Secondary School, Sector-4, Bhilai, District Durg, Chhattisgarh.
4. State of Chhattisgarh through Secretary, Labour Department, Government of Chhattisgarh, Raipur, Chhattisgarh.
5. Deputy Labour Commissioner (State) Nirmal Chhaya Bhawan, Miradatar Road, Shankar Nagar, Raipur, Chhattisgarh.

---- Respondents

For Appellants	:	Shri H.B.Agrawal, Senior Advocate with Smt. Preeti Yadav, Advocate.
For Respondents/State	:	Shri B.Gopa Kumar, Deputy Advocate General.
For Respondent/SAIL	:	Dr. N.K.Shukla, Senior Advocate with Shri Shiv Shankar Tiwari, Advocate.

Hon'ble Shri Navin Sinha, Chief Justice
Hon'ble Shri P. Sam Koshy, J.

Judgment on Board

Per Navin Sinha, Chief Justice

05/08/2015

1. This batch of appeals arise from a common order dated 14.7.2015 passed in Writ Petition (L) No. 35 of 2012 and analogous cases. There is similarity of facts and the questions of law arising for consideration are also

common. They have therefore been heard together and are being disposed by a common order.

2. The Learned Single Judge held that the Appellants were not the employees of the Bhilai Steel Plant belonging to the Steel Authority of India Limited as they were appointed by the Parent-Teachers Association of the schools in question, a body constituted under the Education Code for better coordination between students and the school and to make endeavour for improving the functioning of schools. Considering that the Principal or the Parent-Teachers Association did not submit records to disprove contention of the Appellants that they had worked for over 240 days, the Labour Court rightly drew an adverse inference directing reinstatement.

3. Learned Senior Counsel for the Appellants submitted that the Parent-Teachers Association was not a party to the proceedings before the Labour Court. It had filed writ petitions directly before this Court challenging the award which was not permissible. The Principal of the School was impleaded as party before the Labour Court. Learned Senior Counsel made further submissions all of which are not considered necessary to be dealt with in view of the stand taken on behalf of Respondent No. 3, the Principal of the School in question.

4. The Appellants, according to the award and the Learned Single Judge were appointed by the Principal through Parent-Teachers Association. The reference was against the Principal.

5. Learned Senior Counsel, Dr. N.K.Shukla appearing for Respondent No. 3 submitted that in compliance of the award, an affidavit had already been filed before the Learned Single Judge on 7.10.2014 that the Appellants had been directed by the respective Principals to resume duties in view of the order of reinstatement by the Tribunal but none of them have joined so far.

6. In view of the aforesaid affidavit, nothing survives for adjudication in the appeals and the appeals are disposed in terms of affidavit dated 7.10.2014 filed by the Principals of the respective schools in question.

7. The appeals stand disposed.

Sd/-
(Navin Sinha)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE