

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 2407 of 2015**

Ashok Kumar Rajput, S/o Mohan Lal Rajput, aged about 51 years, R/o Qr. No. 9/B Street 10, Sector-8, Bhilai, Tahsil Civil and Revenue District Durg, Chhattisgarh.

---- **Petitioner****Versus**

1. Chairman, Steel Authority of India Limited, Ispat Bhawan, Lodhi Road, New Delhi PIN 100 003
2. Managing Director, Bhilai Steel Plant, Ispat Bhawan, Bhilai, Tahsil Civil and Revenue District Durg Chhattisgarh.

---- **Respondents**

For Petitioner	:	Shri Ajay Chandra, Advocate.
For Respondents	:	Shri Manish Upadhyay, Advocate.

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

Order on Board**Per Navin Sinha, Chief Justice****16/09/2015**

1. We have heard Learned Counsel for the Petitioner and the Respondents.

2. The present writ application assails order dated 11.8.2014 dismissing Transferred Application No. 50 of 2013 (arising out of Writ Petition (S) No. 5832 of 2008) by the Central Administrative Tribunal, Jabalpur Bench, Circuit Sitting at Bilaspur (hereinafter called 'the Tribunal').

3. The Petitioner sought directions for payment of bonus/*ex-gratia* for the year 2007-2008 to all employees of the Bhilai Steel Plant. The Tribunal held that he had no *locus standi* as he had not demonstrated that he was an employee of the Bhilai Steel Plant.

4. We have called for the original records of the Transferred Application and do not find any pleading to the effect in the Original Application that he was an employee of the Plant. Undoubtedly, in the writ petition, it has been

mentioned that his Personnel Number is 148769, Token No. 44305 and he was working as Senior Commercial Inspector, Traffic Section, T&D Organization, Bhilai Steel Plant. This fact has been brought on record for the first time. Even otherwise, the original claim was not a public interest litigation as it is not maintainable in service matters. The Petitioner could at best have raised a claim with regard to his own grievances for bonus alone. The Respondents in their return filed before the Tribunal had also taken an objection that the aggrieved could pursue remedies under the Payment of Bonus Act and therefore, the claim directly before the Tribunal was not maintainable.

5. Having heard the submissions on behalf of the parties, absence of fundamental facts before the Tribunal that the Petitioner was an employee of the Bhilai Steel Plant, claim not being in an individual capacity but in the form of a Public Interest Litigation, the contention for the first time in the present application that he was an employee of the Bhilai Steel Plant with no explanation why the same material was not furnished before the Tribunal, the availability of alternative remedy were all facts including whether he is an employee or not can be examined in so far as the Petitioner alone is concerned, we find no reason to interfere with the order of the Tribunal.

6. The present order may not be construed as any opinion or observation on the merits of the claim of the Petitioner in his individual capacity which remains to be adjudicated by the competent authority.

7. The writ petition is dismissed with the aforesaid observations. Let the original records called for be returned.

Sd/-
(Navin Sinha)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE