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HIGH COURT OF CHHATTISGARH, BILASPUR

WP No. 813 of 2003

- Steel Authority of India Limited Through : Managing Director, Bhilai Steel Plant, Bhilai.

---- **Petitioner**

Versus

1. Industrial Court, Raipur
2. Labour Court, Durg
3. Mohd. Sharif, Ghandi Chowk, Near Janata School Bhilai, Distt. Durg (Chhattisgarh)

---- **Respondents**

And

WPS No. 1753 Of 2008

- Samsun Nisha, W/o Late Mohd. Sharif, aged about 46 years, R/o Nurani Chowk, Kharora, P.S. Kharora, Distt. Raipur (CG)

---- **Petitioner**

Vs

- Managing Director, Steel Authority of India Ltd. Bhilai Steel Plant, Bhilai, Distt. Durg (CG).

---- **Respondent**

For Petitioner (in WP No. 813 of 2003) : Shri Himanshu Sinha, Advocate
For Petitioner (in WPS No. 1753 Of 2008) : Ms. Fouzia Mirza, Advocate
For Respondent (in WPS No. 1753 Of 2008): Shri Utsav Maheshvar, Advocate on
behalf of Shri PR Patankar, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

07/01/2016

1. WP No.813/2003 has been preferred by the Management of Steel Authority

of India Ltd. (for short 'the SAIL') challenging the order passed by the Industrial Court on 28-8-02 and that of the labour Court passed on 23-11-89 allowing the claim of respondent No.3 workman Shri Mohd. Sharif for his reinstatement in the services without backwages.

2. WPS 1753/2008 has been preferred by the legal heirs of the said Mohd. Sharif seeking payment of the benefit admissible to Mohd. Sharif during his lifetime under the provisions contained in Section 65 (3) of the Chhattisgarh Industrial Relations Act, 1960 (for short 'the Act, 1960').
3. Shri Himanshu Sinha, learned counsel appearing for the SAIL would submit that although the workman was not entitled for any benefit in view of his conduct of admitting the entire guilt when the charge-sheet was served upon him, yet as a good gesture and to help out the legal heirs of the deceased workman, they are ready to pay the last wages drawn inclusive of maintenance allowance in terms of the Section 65 (3) of the Act, 1960. He would submit that this concession may not be cited as precedent against the SAIL.
4. In view of the aforesaid, the writ petitions are disposed of with direction that the SAIL shall consider and make payment of the last wages drawn inclusive of maintenance allowance in terms of Section 65 (3) of the Act, 1960 to the legal heirs of respondent No.3, who happen to be the petitioners in WPS 1753/2008, at the earliest preferably within a period of three months from today. However, the concession made by the SAIL shall not be cited or used as precedent against SAIL in any other case.

Sd/-

Judge
Prashant Kumar Mishra

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