

HIGH COURT OF CHHATTISGARH, BILASPUR

WPL No. 5775 of 2008

- Yavendra Kumar Mandhre S/o Shri Nagorao Mandhre, aged bout 45 years, Electrician-I, Chhattisgarh Infrastructure Development Corporation, Transport Division, Raipur (Chhattisgarh) Now posted as Constable Mining Department, Durg (CG) R/o Qr .No.D-1, Housing Board Colony Birgaon, Raipur District Raipur (CG)

---- Petitioner

Versus

- Chhattisgarh Infrastructure Development Corporation, Transport Division, through the Divisional Manager, Office of Chhattisgarh Infrastructure Development Transport Division Behind L.I.C. Building, Pandri, Raipur, District Raipur (CG)

---- Respondent

For Petitioners
For Respondent

Mr. Wasim Miyan, Advocate
Mr. R.R. Sinha, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

19/2/2016

Heard.

(2) The petitioner had preferred an application under Section 31(3) of the C.G. Industrial Relations Act, 1960, claiming promotion on the post of Electrician Assistant Grade-I from 01.09.1994 and for payment of the salary/wages of the said post from the date the petitioner was directed to officiate on the said post.

(3) Vide Order dated 22.05.2003, the Labour Court directed that the petitioner deserves to be classified on the post of Electrician Assistant

Grade-I , however, the said order was set-aside in appeal by the Industrial Court on 24.12.2004 and the matter was remitted back to the Labour Court for decision afresh. After the remand, the Labour Court passed the order on 22.08.2006 rejecting the claim of the petitioner for classification on the post of Assistant Electrician Grade-I, however, the Labour Court allowed the difference of salary/wages on the post of Electrician Assistant Grade-III and Electrician Assistant Grade-I for the period from 16.10.1996 to 16.10.1998. The said order has been affirmed by the Industrial Court by the impugned order dated 19.12.2006.

(4) In this writ petition, which is in essence a petition under Article 227 of the Constitution of India, it is argued by learned counsel for the petitioner that the petitioner shall be entitled for difference of salary as also for classification as Electrician Assistant Grade-I from 01.09.1994 and the entire claim should have been allowed by the Labour Court and Industrial Court.

(5) Learned counsel for the respondent would argue that merely because the petitioner was directed on some occasion to perform the work, which is usually done by Electrician Assistant Grade-I, he would not become entitled for classification/promotion on the said post or for its salary. He would also submit that although CIDC has not preferred any appeal against the impugned order but the claim petition was not maintainable on account of non-joining of erstwhile MPSRTC, because the claim raised by the petitioner was for the period when the CIDC was not in existence.

(6) Having heard learned counsel for the parties and on careful perusal of the documents available on record, it would be apparent that

the petitioner was never directed to officiate as Electrician Assistant Grade-I. There is no document available to this effect. In the absence of any written communication directing the petitioner to officiate, the claim should not have been allowed. However, there being no appeal by the CIDC, this Court is unable to interfere with the order. Moreover, after dissolution of the erstwhile MPSRTC, the State of Chhattisgarh has not constituted a State Road Transport Corporation, but the employees who worked in the erstwhile MPSRTC in the territorial limits of the State of Chhattisgarh were placed under the control of CIDC. Thus, for any claim for the period when the petitioner was an employee of erstwhile MPSRTC, the same could not have been considered unless MPSRTC was arrayed as a party.

(7) In the present case, the CIDC has acquiesced with the impugned order by not filing any appeal, therefore, this Court is not proceeding further in the matter. However, the Labour Court has not committed any illegality by refusing to classify/promote the petitioner on the post of Electrician Assistant Grade-I or by not directing the payment of salary for any such period than the period already allowed.

(8) For the foregoing, there is no substance in the writ petition, it fails and is hereby dismissed.

Sd/-

Judge

(Prashant Kumar Mishra)