

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPL No. 6827 of 2009**

- Hira Lal Sharma, S/o Shri Bhagat Ram Sharma, aged about 70 years, Occupation-Ex-Serviceman, Bhilai Steel Plant, Bhilai, R/o Quarter No.10-C, Street No.07, Sector-4, Bhilai, District Durg (C.G.)

---- Petitioner**Versus**

1. General Manager/Managing Director, Bhilai Steel Plant, Bhilai Nagar, Durg, District Durg (C.G.)
2. Fire Officer, Bhilai Steel Plant, Bhilai Nagar, Durg, Distt.-Durg (C.G.)

---- Respondents

For Petitioner	:	Shri Awadh Tripathi, Advocate
For Respondents	:	None, despite service of notice.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****22/02/2016**

1. This petition under Article 226 of the Constitution of India is preferred against the order passed by the Industrial Court, Chhattisgarh on 18-3-09 allowing the appeal preferred by the Management of Bhilai Steel Plant and setting aside the order passed by the labour Court on 3-10-08, whereby the labour Court had allowed the petitioner's application to declare the order of termination dated 4-8-83 as illegal and directed the Bhilai Steel Plant to grant wages to the petitioner for the period from 4-8-83 to June 1993.
2. Indisputably, the petitioner was convicted by the District & Sessions Court, Durg on 21-7-83 for committing offence under Sections 376 & 354 IPC. In an appeal preferred before the High Court bearing Criminal Appeal

No.860/83, the High Court vide judgment dated 8-10-84 partly allowed the appeal to set aside the conviction under Section 376 IPC, however, his conviction under Section 354 IPC was maintained.

3. The labour Court allowed the application preferred by the workman on the ground that subsequently the offence under Section 354 IPC was also compounded and the criminal case ended in his acquittal, therefore, the workman was entitled for the salary for the relevant period because the order of conviction was not in force.
4. According to the Industrial Court, the workman was never acquitted of the charge under Section 354 IPC because the offence was not compounded before the criminal Court, but it was treated to be compounded because the father of the prosecutrix appeared before the management and stated that his daughter has compounded the offence. Thus, the very basis on which the workman was re-employed being not in existence, the labour Court's order was set aside.
5. In the considered opinion of this Court, once the conviction of the workman under Section 354 IPC was not set aside by the appellate or revisional Court or by the Supreme Court, the termination of the workman in the year 1983 did not suffer from any illegality and the Industrial Court has not committed any mistake in allowing the appeal preferred by the Bhilai Steel Plant.
6. For the foregoing, the writ petition being bereft of any substance, it deserves to be and is hereby dismissed.

Sd/-

Judge
Prashant Kumar Mishra