

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P. No. 658 of 2004**

Chandanlal Katore, Son of Shri Ratanlal Katore, Aged 40 years,
Hand Pump Mechanic, Public Health Engineering Department,
Baloda Bazar, Distt. Raipur (C.G.)

---- Petitioner**Versus**

1. State of Chhattisgarh, Through Executive Engineer Public Health Engineering Department, Circle Baloda Bazar, Distt. Raipur (C.G.)
2. Superintending Engineer, Public Health Department, Raipur (C.G.)

---- Respondents

For Petitioner : Mr. Pawan Kesharwani, Advocate.
For Respondents/State : Mr. Ashish Surana, PL

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****02/11/2016**

(1) In an application filed by the petitioner herein under Section 61 read with Section 31(3) of the Chhattisgarh Industrial Relations Act, 1960 (hereinafter referred to as 'Act of 1960'), the Labour Court, Raipur in its order dated 11.12.2002 held that the petitioner is entitled for the wages for the period from 3.11.1989 to 13.11.1990 and 25.09.92 to 7.11.1998 and he is also entitled for increase of pay for the period from 1.11.90 to 12.11.90, 14.10.92 to 31.10.92 and 1.11.98 to 7.11.98 but while granting relief held the he is entitled the amount only for the period from 25.9.1995 to 25.9.1998 and rest of the claim is barred by Section 62 read with Section 61(1)(A)(a) of the Act of 1960.

(2) The petitioner preferred appeal there-against before the Industrial Court. The Industrial Court affirmed the order of the Labour Court by dismissing the appeal.

(3) Feeling aggrieved & dissatisfied with the order of Labour Court as well as Industrial Court, this writ petition has been filed by the petitioner challenging the same.

(4) The Labour Court has clearly held that petitioner to be entitled for the amount claimed in his application for the period as held in paragraph 1 of this order but granted relief for the period of two years i.e. only from 25.9.1995 to 25.9.1998 holding that the rest of claim is barred by Section 62 read with Section 61(1)(A)(a) of the Act of 1960.

(5) After hearing learned counsel appearing for the parties, this Court is of the opinion that the Labour Court has rightly held that the petitioner to be entitled for the amount claimed in his application but granted relief for the period of two years i.e. only from 25.9.1995 to 25.9.1998 holding that the rest of claim is barred by Section 62 read with Section 61(1)(A)(a) of the Act of 1960. of the Act of 1960, which has duly been affirmed by the Industrial Court and the concurrent findings recorded by both the courts below are the finding of fact based on material available on record and I do not find any error of law in the same warranting interference by this Court in the instant writ petition.

(6) Accordingly, the writ petition is liable to be and is hereby dismissed.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

