

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 273 of 2016**

S. N. P. Shah S/o Sahib Shah, Aged About 71 Years Foreman, Bharat Aluminium Company Ltd. R/o Balco Nagar Korba, District Korba, Chhattisgarh (After Retirement Presently Residing At 49- A, Prime City, Sukhaliya, Near I.T.I., Indore (Madhya Pradesh) Pin 452010

---- Petitioner**Versus**

1. Bharat Aluminium Company Ltd. Korba, Through Its General Manger, Aluminium Project, Korba, District Korba (Chhattisgarh)
2. Chairman And Managing Director Bharat Aluminium Company Ltd., 18, Nehru Place, New Delhi

---- Respondents

For Petitioner:

Mr. Pravesh Sharma, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****21.04.2016**

1. The present Writ Petition has been filed challenging the order dated 28.09.2015 passed by Fourth Civil Judge Class I, Bilaspur in Case No. 28A/95.

2. Taking into consideration the facts and circumstances of the case this court is of the opinion that the Court below has taken into consideration the entire factual matrix of the case while rejecting the application filed by the Petitioner, particularly, duration of time that has been lapsed since case first filed and that the Petitioner has not raised any claim during the intervening period except the filing of the present application. It is also reflected from the order that the Petitioner during the intervening period had received promotion and consequential benefits including monetary benefits attached to the promotional post.

3. In view of the same this Court is of the opinion that the Court below has not committed any illegality or perversity in rejecting the application filed by the Petitioner. Further, it is also not the case, where the Court below has exceeded the powers conferred upon it.

4. The findings arrived at by the Court below is based on findings of fact, and is also after sound consideration of law and facts. There is no allegation of a jurisdictional error. Neither does the order constitute an error of law apparent on the face of record.

5. Exercising the power under Article 227 this Court can not set aside or ignore a finding of fact. The impugned order has been passed taking note of all the contentions put forth by the Petitioner. From the bare perusal of the impugned order itself it is evident that findings is based on the evidence on record and certain admitted facts. Hence, it cannot be said that there is dereliction of duty or a flagrant abuse of power resulting in grave injustice.

6. The supervisory power conferred to the High Court under Article 227 of the Constitution of India is limited to the extent of verifying that the Court below has exceeded its powers or jurisdiction. This Court does not find any such blatant act by the Court below and hence there is no illegality or infirmity in the order

7. For the aforesaid reasons the present Writ Petition is dismissed.

Sd/-
(P. Sam Koshy)
JUDGE