

HIGH COURT OF CHHATTISGARH, BILASPUR

WPL No. 191 of 2015

- Yashwant Singh S/o Ajit Singh, Aged About 50 Years R/o Village & Post Purai, District Durg (Chhattisgarh)

---- Petitioner

Versus

- Steel Authority Of India Limited, Bhilai Steel Plant, Bhilai, District Durg (Chhattisgarh)

---- Respondent

For Petitioner
For Respondent

Mr. Anup Majumdar, Advocate
Mr. K. Shakeel, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra
Order On Board

25/2/2016

Heard finally with the consent of learned counsel for the parties.

(2) The petitioner had earlier raised a dispute, which was referred for adjudication to the Central Government Industrial Tribunal (in short CGIT). By award dated 15th of March 1999, the CGIT directed the respondent 'to treat the petitioner as Planning Assistant in L-3 Grade from 06.04.1991 till date and pay him wages and allowances admissible to the scale'. In WP No.3046/1999 preferred by the Steel Authority of India Limited (SAIL), challenging the said award of the CGIT, this Court passed an order dated 25.02.2013 directing the SAIL to consider the petitioner's case sympathetically for alternative employment after holding proper medical examination.

(3) In compliance of the order passed by this Court, the Bhilai Steel Plant conducted a medical examination of the petitioner and found him unfit for employment. It is this order of the BSP, which has been assailed in this petition.

(4) If the petitioner had earlier approached the CGIT, claiming himself to be a workman, any fresh case seeking employment can only be preferred before the CGIT.

(4) Mr. Anup Majumdar, learned counsel for the petitioner, would submit that the petitioner is claiming benefit of the provisions contained in The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 and the petitioner is treated as new entrant by the respondent, therefore, the writ petition is maintainable.

(5) Assuming the argument raised by Mr. Majumdar to be correct, in such eventuality also, for any employment in the establishment of SAIL, it is the jurisdictional Central Administrative Tribunal which has jurisdiction to entertain an application under Section 19 of the Administrative Tribunal Act, 1985, because, the SAIL has now been notified under Section 14 of the said Act, 1985.

(6) For the foregoing, the writ petition is dismissed as not maintainable. However, the petitioner would be at liberty to take recourse of law as is available to him. Sd/-

Judge

(Prashant Kumar Mishra)