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HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition No.2484 of 2000

The General Manager, B.N.C. Mills, Rajnandgaon (M.P.) (now C.G.)

---- Petitioner

Versus

1. Presiding Officer, Labour Court, Rajnandgaon (M.P.) (now C.G.)
2. Member Judge, Industrial Court, Raipur Bench, Shankar Nagar, Raipur (M.P.) (now C.G.)
3. Sobharam, S/o Sukhlal, R/o Ramnagar Ward No.2, Rajnandgaon (M.P.) (now C.G.)
4. Santosh Kumar/Jitendra Kumar, Canteen Contractor, BNC Mills, Canteen, Rajnandgaon (M.P.) (now C.G.)

---- Respondents

For Petitioner:	Mr. Anup Majumdar, Advocate.
For Respondents:	None present.
For State:	Mr. Shashank Thakur, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

28/06/2017

1. This writ petition has been filed calling in question the order of the Industrial Court, Raipur dated 4-2-2000 by which the Industrial Court has affirmed the order passed by the Labour Court dated 18-12-1996 granting an application under Section 31 (3) of the M.P. Industrial Relations Act, 1960 directing payment of minimum wages under the difference amount of Sethi/ Saklecha Award from 1-2-1982.
2. Learned counsel for the petitioner would submit that the

respondent workman has failed to establish that he was the employee of the petitioner B.N.C. Mills and as such, he was the employee of contractor Santosh Kumar and the canteen was situated outside the factory premises, therefore, the petitioner factory is not responsible to make payment of difference amount of minimum wages under the Sethi/ Saklecha Award. He would rely upon paragraph 54 of the judgment of the Supreme Court in the matter of **Balwant Rai Saluja and another v. Air India Limited and others**¹.

3. On the other hand, no one has appeared on behalf of the respondents. Learned Government Advocate has assisted the Court.
4. I have heard learned counsel for the petitioner and gone through the record.
5. The Labour Court has clearly held that the respondent workman was the employee working in the canteen run by the petitioner and the same has been established, as the petitioner has not led any evidence to substantiate the plea raised in the written statement which has been affirmed by the appellate Court. On the basis of the above, the said order has been passed by the Industrial Court. Finding recorded by the Labour Court as upheld by the Industrial Court is a finding of fact and I do not find any illegality or perversity in the said finding.
6. The decision cited by learned counsel for the petitioner is clearly

¹ (2014) 9 SCC 407

inapplicable. The Labour Court has clearly recorded a finding that the respondent workman is employee of the petitioner and the canteen is run by the petitioner, therefore, the said decision is clearly distinguishable to the facts of the present case.

7. The writ petition deserves to be and is accordingly dismissed leaving the parties to bear their own costs.

Sd/-
(Sanjay K. Agrawal)
Judge

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