

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition No.2732 of 2003**

Gunwant Rai Harivallabh Jani (Ranvir Bidi Works) Pvt. Ltd. Through Its
Chairman, Mahesh Jani S/o Gunwant Rai Jani, R/o Kamthee Line,
Rajnandgaon (CG)

---Petitioner

Versus

1. President, Industrial Court, Chhattisgarh, Raipur (CG)
2. Labour Court, through Presiding Officer, Rajnandgaon (CG)
3. Damaru Sahu S/o Tiju Sahu Sarthi Para, Behind Jugal Jain's
House, Rajnandgaon (CG)

---Respondents

For petitioner	:	Mr.B.P.Gupta, Advocate
For Respondent No.3	:	Mr.H.B.Agrawal, Senior Advocate with Mrs.Meera Jaiswal, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

10/04/2017

1. Application filed by respondent No.3/workman under Section 15 read with Section 33(3) of the Beedi and Cigar Workers (Conditions of Employment) Act, 1966 has been allowed by the Labour Court holding that the respondent/workmen is entitled to obtain ₹ 41715/- from the petitioner herein as the payment of wages along with 5% penalty, against which, the petitioner preferred an appeal before the Industrial Court, however, the Industrial Court did not find any ground to interfere with the order of the Labour Court and dismissed the appeal, against which, this writ petition has been filed.
2. Learned counsel for the petitioner would submit that the claim of

the respondent/workman was barred by limitation.

3. On the other hand, learned Senior Counsel appearing for respondent No.3 would oppose the writ petition and support the order impugned.
4. Two Courts below have concurrently held that the claim of the respondent/workman was within limitation. The said finding is the finding of fact. I do not find any jurisdictional error in the said finding recorded by two Courts below, it is not perverse.
5. Accordingly, the writ petition being devoid of merit is liable to be and is hereby dismissed. No order as to cost(s).

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-