

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (L) No. 94 of 2012

1. Smt. M. Usha Rani, Aged about 65 Years W/o Late M. Venkata Raju, Housewife, Residing At Flat No. 301, Yaduvansi Towers, B R T S Road, Chinamushidivada, Vishakhapatnam (A. P.)
2. M. V. C. B. Rao, Aged about 40 Years S/o Late M. Venkata Raju, Employed In Bhilai Steel Plant, Residing At- Qr. No. 10- F, Street 1, Sector 4, Bhilai, District Durg (C. G.).
3. M. S. V. S. Prakash, Aged about 36 Years S/o Late M. Venkata Raju, Employed In Private Firm, Residing At: Flat No. 204, Basil Everest World, Kolshet Road, Thane (West) Maharashtra).
4. Smt. M. N. Vijay Lakshmi, Aged about 33 Years W/o Shri M. V. R. Murty, Private Employee, R/o Flat No. 301, Ydುವಂಶಿ Towers, B R T S Road, Chinamushidivada, Vishakhapatnam (A. P.).

---- Petitioners

Versus

1. Managing Director (Sail), Bhilai Steel Plant, Bhilai 490001 (C. G.)
2. Mr. S.D. Chandrakar (P. No. 66302), Chargeman, Through Asst. Manager (Pers), Ore Handling Plant, B.S.P. Bhilai, Distt. Durg, C.G.
3. Mr. S.L. Chandrakar (P. No. 137395) Chargeman, Through Asst. Manager (Pers), Ore Handling Plant, B.S.P., Bhilai, Distt. Durg, C.G.
4. Mr. D.K. Hankare (P.No. 66299), Through: Asst. Manager (Pers) Converter & Continuours Casting Shop, B.S.P., Bhilai, Distt. Durg, C.G.
5. Mr. A.K. Gupta, (P. No. 145611), Through: Asst. Manager (Pers), Ore Handling Plant, B.S.P., Bhilai, Distt. Durg, C.G.
6. Mr. R.K. Mathur (P.No. 145676) Through: Asst. Manager (Pers), Ore Handling Plant, B.S.P., Bhilai Distt. Durg, C.G.

---- Respondents

For Petitioners
For Respondents

Shri BP Rao, Advocate.
Shri P.R. Patankar, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

17/02/2017

1. The present petition has been preferred assailing the order dated 22.07.2009 passed in Case No.2/MPIR Act/Civil/92 and also order dated 26.04.2011 passed in Civil Appeal No.60/CGIR Act/A/11/2010. By way of two orders, the court below has rejected the claim application of the

petitioner under Section 31(3) of the Madhya Pradesh Industrial Relations Act, 1960 (for short, the Act, 1960) as also the appeal which was preferred against the said order under Section 65 of the Act, 1960.

2. Counsel for the petitioner submits that the petitioner has been claiming benefit of seniority and promotion over and above the respondents No.2 to 6 before the Labour Court, however, the Labour Court has not properly appreciated the evidence which have been brought on record and have rejected the case and the Industrial Court also rejected the appeal without properly appreciating the evidence.
3. Counsel for the respondents, however, submits that a perusal of the impugned order by itself would show that the petitioner has not been able to establish his case before the Labour Court by leading cogent evidence to establish the fact that he was entitled for the relief that he was seeking for particularly in respect of promotion over and above the private respondents and also has not been able to produce any documentary proof of his entitlement.
4. Having heard the rival contentions put forth on either side and on perusal of record it clearly reflects that two orders under challenge are findings of fact which have been arrived at by both the courts below. Further, the appeal preferred by petitioner before the Industrial Court was rejected on account of non joinder of necessary party. In addition to this fact, the appeal was also rejected on the ground of same being barred by limitation which was a vital ground while considering the appeal.
5. Further perusal of record also shows that the petitioner has not been able to show the seniority list as also the documents on the basis of which he

is claiming parity with the private respondents. From the evidence which have come on record it reflects that from the persons with whom parity was claimed were of the different cadre altogether and the channel of promotion in the two cadres were different and therefore, it could not have been a ground for claiming parity between the petitioner and the private respondents.

6. In view of the same, this court is of the opinion that no strong case is made out to interfere with the findings recorded by the Labour Court at the first instance and thereafter by the Industrial Court while deciding the appeal.
7. Thus, the petition being totally devoid of merit is liable to be and is hereby dismissed. No order as to costs.

Sd/-
(P.Sam Koshy)
Judge