

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****WP No. 672 of 2002**

National Thermal Power Corporation Ltd., Korba Super Thermal Power Station Through General Manager P.O. Vikas Bhavan, Distt. Korba, Chhattisgarh

**---- Petitioner****Versus**

1. S.N. Bhojasia, S/o Sri Makhanlal Agrawal, Ex-employee No.24450 Gr.III Erection Auto Base Deptt. N.T.P.C. Korba, Super Thermal Power Station, R/o Qr.No.B-1025, Kaveri Vihar, N.T.P.C. Colony P.O. Jamnipali, Distt. Korba, Chhattisgarh
2. The Presiding Officer, Labour Court, Bilaspur
3. Industrial Court, Bench Raipur, HIG 16, Sector-1, Raipur, Chhattisgarh

**---- Respondents**


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|---------------------|---|--------------------------------------------------------------------|
| For Petitioner      | : | Dr.N.K.Shukla, Senior Advocate<br>with Mr.Vinod Deshmukh, Advocate |
| For Respondent No.1 | : | None present                                                       |

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**Hon'ble Shri Justice Sanjay K. Agrawal****Order on Board****03/08/2017**

1. In an application filed by respondent No.1 under Section 31 (3) of the Chhattisgarh Industrial Relations Act, 1960 (hereinafter called as "Act of 1960") the Labour Court by order dated 10.1.2001 held the domestic enquiry as improper and illegal on the ground that no opportunity to defend himself was afforded to the delinquent employee, which was challenged by the petitioner before the Industrial Court. The Industrial Court has confirmed the finding of the

Labour Court and dismissed the appeal, against which, this writ petition has been filed.

2. Dr.N.K.Shukla, learned Senior Advocate along with Mr.Vinod Deshmukh, learned counsel appearing for the petitioner, would submit that order passed by the Labour Court duly uphold by the Industrial Court suffers from jurisdictional error, therefore, the impugned order deserves to be set aside.
3. No one has appeared on behalf of respondent No.1.
4. I have heard learned counsel appearing for the parties and perused the impugned order.
5. The Labour Court has clearly recorded a finding that in the domestic enquiry no opportunity to lead evidence was granted to the delinquent employee, therefore, domestic enquiry is illegal and bad in law, which has been affirmed by the Industrial Court. The petitioner has already sought the opportunity to lead evidence to establish misconduct, which has been granted by the Labour Court, which is in consonance with the decision of the Supreme Court in the matter of the **Workmen of M/s. Firestone Tyre and Rubber Co. of India (Pvt.) Ltd. Vs. The Management and others**<sup>1</sup>. I do not find any patent illegality in the said finding.

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<sup>1</sup> (1973) 1 SCC 813

6. Accordingly, the writ petition deserves to be and is hereby dismissed. However, the parties are directed to remain present before the Labour Court on 28<sup>th</sup> August, 2017 and the Labour Court would decide the dispute within a period of six months from the date of appearance of the parties. No order as to cost(s).

Sd/-

(Sanjay K.Agrawal)  
Judge

B/-