

HIGH COURT OF CHHATTISGARH, BILASPUR**WP No.3828 of 2003**

H.D. Mukhopadhyay, son of late D.D. Mukhopadhyay, aged about 58 years, R/o. Qr.No.7-A, Street-14, Sector-10, Bhilai, Dist. Durg (CG)

---- Petitioner

Versus

1. Steel Authority of India Limited Through the Managing Director, Bhilai Steel Plant, Bhilai, Dist. Durg (CG)
2. Bhilai Steel Plant Through its Managing Director, Bhilai, District Durg (CG)

---- Respondents

For Petitioner	:	Mr.M.P.S.Bhatia, Advocate
For Respondent No.2	:	Dr.N.K.Shukla, Senior Advocate with Mr.Vikram Sharma, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

23/10/2017

Heard.

1. The petitioner at the relevant time was working as S-7 grade (Chargemen), he was directed and allowed to work as S-8 grade. He made an application under Section 31 (3) of the Madhya Pradesh Industrial Relations Act, 1960 (hereinafter called as "Act of 1960") for acting allowance of Chargemen S-8 grade from 15.7.81 to 8.12.82 and also prayed for upgradation on S-8 grade.
2. The Labour Court after appreciating oral and documentary evidence available on record granted acting allowance of Chargemen S-8 grade from 15.7.81 to 8.12.82 by order dated 8.5.97 but declined to grant upgradation on S-8 grade. The

said order was challenged by the petitioner herein and the Steel Authority of India in appeal. By the impugned order, both the appeals have been dismissed by the Industrial Court, against which the petitioner has filed this writ petition.

- 3.** Mr.M.P.S.Bhatia, learned counsel appearing for the petitioner, would submit that finding of fact recorded by the Industrial Court as well as by the Labour Court that the petitioner is not entitled for upgradation on the post of Chargemen S-8 grade is contrary to fact and law and deserves to be set aside.
- 4.** On the other hand, Dr.N.K.Shukla, learned Senior Counsel along with Mr.Vikram Sharma, learned counsel appearing for respondent No.2, would support the impugned order.
- 5.** I have heard learned counsel appearing for the parties and considered their rival submissions made herein-above and also gone through the record with utmost circumspection.
- 6.** The Labour Court and the Industrial Court have clearly recorded a finding that the petitioner has worked for the post of Chargemen of S-8 grade and therefore, he is entitled for acting allowance for that post and also held that he is not entitled for upgradation on the post of Chargemen of S-8 grade as he has temporarily worked on the said post.
- 7.** The aforesaid finding recorded by the Labour Court duly upheld by the Industrial Court is a finding of fact based on record. I do not find any illegality or infirmity in the said finding.

8. Accordingly, the writ petition deserves to be and is hereby dismissed leaving the parties to bear their own cost(s).

Sd/-

(Sanjay K. Agrawal)

Judge

B/-