

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition No. 3869 of 2003**

Kewal Chand Gaikwad, S/o Shri Tulchand, aged about 55 years,
Resident of village- Murmunda, Post- Murmunda, Tahsil – Dhamadha,
Distt. Durg (C.G.)

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

1. Managing Director, Steel Authority of India Ltd. Bhilai Steel Plant, Bhilai,
Distt. Durg (C.G.)
2. The Industrial Court, C.G., through Registrar, Industrial Court,
Chhattisgarh, Raipur

---- **Respondents**

For Petitioner	:	Shri R.S. Patel, Advocate.
For Respondent No.1/SAIL	:	Dr. Sourabh Kumar Pandey, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****08/11/2017**

(1) The petitioner was terminated from the services by respondent No.1 by its order dated 28.3.1987, which he challenged before the Labour Court by filing application under Section 31 (3) of the C.G. Industrial Relation Act. The Labour Court, after due enquiry, directed for reinstatement of the petitioner without backwages, which was further challenged by the petitioner by way of appeal before the Industrial Court. The Industrial Court, by its impugned order dated 26.7.2003, affirmed the order of Labour Court holding that the petitioner is entitled for reinstatement but he is not entitled for backwages, against which instant writ petition has been filed questioning the same.

(2) Learned counsel appearing for the petitioner would submit that impugned order non-granting backwages is unsustainable and bad in law, which is liable to be set aside.

(3) I have heard learned counsel appearing for the parties and considered their rival submissions made hereinabove and gone through the record with utmost circumspection.

(4) The Labour Court as well as Industrial Court both have concurrently held that petitioner is not entitled for backwages, such a finding is the finding of fact based on material available on record, in which I do not find any illegality warranting interference by this Court in the instant writ petition.

(5) Accordingly, the writ petition fails and is hereby dismissed.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-