

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition No.1657 of 2004**

Steel Authority of India Limited, Bhilai Steel Plant, through Managing Director, Bhilai Steel Plant, Bhilai (CG).

---- Petitioner

Versus

1. Shri Chinta Ram, S/o Shri Padum Ram P.No. 135199, Shunting Assistant, T& D, Department, Bhilai Steel Plant, R/o Sharda Para Camp-II Kailash Chawk, Near Shankar Kirana Shop Bhilai, Durg (CG).
2. The President Industrial Court, Raipur
3. The Presiding Officer, Labour Court, Durg (CG).

--- Respondents

For Petitioner : Mr. Ashish Surana, Advocate

For Respondent No.1 : Ms. Kiran Jain, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

07/09/2017

(1) The employee/respondent No.1 herein made an application before the Labour Court, Durg under Section 31(3) read with Section 61 of the Madhya Pradesh Industrial Relation Act for correction of his date of birth as held that his date of birth is 08.03.1953 whereas, as per the service record, it has been mentioned that his date of birth is 09.04.1943.

(2) The Labour Court, Durg after hearing the evidence of the parties and taking into consideration the material available on record came into conclusion that the respondent No.1's date of birth is 08.05.1953 and the application has been allowed and directed the petitioner to correct his date of birth in the service record, which has been affirmed by the Industrial Court, Raipur.

(3) Feeling aggrieved against that orders, this writ petition has been filed by the petitioner herein.

(4) Learned counsel appearing for the petitioner would submit that the concurrent finding recorded by both the Court below are unsustainable and contrary to law and therefore, it is liable to be quashed.

(5) Per contra, Ms. Kiran Jain, learned counsel appearing for the respondent No.1 would support the impugned order and oppose the prayer made by learned counsel for the petitioner.

(6) I have heard learned counsel for the parties and perused the impugned order with utmost circumspection.

(7) The Labour Court, Durg has considered the matter in detail and came into specific finding based on evidence and material available on record that the date of birth of the respondent No.1 is 08.05.1953. An appeal being raised by the petitioner that finding is upheld by the Industrial Court, Raipur. The concurrent finding recorded by two court belows are based on oral and documentary evidence available on record, which is neither perverse nor contrary to record. I do not find any jurisdictional error in the impugned order.

(8) Consequently, the writ petition deserves to be and is accordingly dismissed, leaving the parties to bear their own costs.

Sd/-

(Sanjay K. Agrawal)
Judge