

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition No. 1443 of 2004**

Chhattisgarh State Electricity Board, Through: its Secretary, Raipur
(C.G.)

---- **Petitioner**

Versus

1. Shri Ashish Roy (dead) through LRs.
 - I. Smt. Maya Roy, W/o. Late Ashish Roy, aged about 51 years.
 - II. Shri Abhishek Roy, S/o. Late Ashish Roy, aged about 26 years.
 - III. Ku. Mausami Roy, D/o. Late Ashish Roy, aged about 22 years,

All residents of LIG-251, Milan Chowk, Hudco – Durg (C.G.)
2. The Industrial Court, Raipur, Through: its Chairman, Raipur (C.G.)
3. The Presiding Officer, Labour Court, Durg (C.G.)

---- **Respondents**

For Petitioner : Shri Vinod Deshmukh, Advocate.
For Respondent No.1 : Shri Ishan Verma, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

20/11/2017

(1) The petitioner's application under Section 31(3) of the Chhattisgarh Industrial Relations Act filed by respondent No.1/employee was allowed granting re-instatement along with 75% backwages. The petitioner preferred appeal thereagainst before the Industrial Court. The Industrial Court, by its order dated 23.02.2004, has partly allowed the appeal filed by the petitioner holding that respondent No. 1 will be entitled to get 50% of the backwages, against which instant writ petition has been filed questioning the same.

(2) Learned counsel for the petitioner submits that the order imugned is

bad and unsustainable in law, which is liable to be set aside.

(3) Per contra, counsel for the respondent No.1 would support the impugned order

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

(5) The Labour Court as well as Industrial Court have concurrently held termination to be illegal and contrary to law and directed reinstatement, which is a finding of fact arrived at by both the courts below based on material available on record, in which I do not find any jurisdictional error warranting interference by this Court in the instant writ petition. Likewise, backwages has been reduced to the extent of 50% by the Industrial Court, which, in the opinion of this Court, is also in accordance with law and does not call for any interference by this Court in the instant writ petition.

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

Sd/-

(Sanjay K. Agrawal)
Judge

D/-