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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition No. 4820 of 2004**

Dharamraj Rai, aged 58 years, S/o Late Sukdev Rai, Gangotri Nagar,
Chandra Nagar, Supela, Distt.- Durg (C.G.)

---- Petitioner**Versus**

1. The Managing Director, Steel Authority of India Ltd. Bhilai Steel Plant,
Bhilai, Distt. Durg (C.G.)
2. The President, Industrial Court of Chhattisgarh, Raipur (C.G.)
3. The Presiding Officer, Labour Court of Durg (C.G.)

---- Respondents

For Petitioner: Mr. P.P. Sahu, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****12/12/2017**

(1) The Petitioner made an application under Section 31(3) of the Chhattisgarh Industrial Relations Act, 1960 (henceforth "the Act of 1960") for correction of his date of birth before the Labour Court. The Labour Court rejected the said application stating that the petitioner is an employee of Construction Department of Bhilai Steel Plant and the said department is not an industry within the meaning of Section 2(19) & 51 of the Act, 1960. The said order was duly affirmed by the Industrial Court by its impugned order dated 14.07.2004, against which, instant writ petition has been filed questioning the same.

(2) Learned counsel for the petitioner would submit that the concurrent findings recorded by two courts below are contrary to the facts and material available on record, which is liable to be set aside.

(3) I have heard learned counsel appearing for the petitioner and perused the impugned order with utmost circumspection.

(4) Both the courts below have concurrently held that the petitioner is an employee of construction department of Bhilai Steel Plant and the said department is not an industry within the meaning of Section 2(19) & 51 of the Act of 1960.

(5) Division Bench of Madhya Pradesh High Court in the matter of ***Ajit Singh Saudagar Singh Vs. State Industrial Court, Indore and others***¹ have held as under:-

“10. Here, in this case, it could not be said that the Construction Department of the Bhilai Steel Plant is an 'industry'. M/s. Hindustan Steel, Ltd. Is not carrying on any trade or business in building constructions or other constructional activities. The industry tht is bein grun is tht of manufacture of iron and steel. Whatever construction work is carried on is for providing services or facilities to its employees. It is on 'no profit basis'. In fact actual works are executed by private contractors. The Construction Department only supervises the work. The Department is temporry and of a casual nature. The Department will be wound up as soon as targets are reached. It is true that this Department is in existence since 1955, but as per the return of the respondent No. 3, the construction work was in the last phase and it was tapering off in 1966 when the services of the petitioner were terminated. A statement has been made at the bar on behalf of M/s. Hindustan Steel Ltd. Tht the target of 4 million tons is practically reached and the final target of 7 million tons is expected to be reached in the near future as basic structures for the expansion is expected to be reached in the near future as basic structures for the expansion are ready. We therefore, feel that the Courts below were justified in holding that the Construction Department of the Bhilai Steel Plant is not an

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'industry' within the meaning of the M.P. Industrial Relations Act, 1960, by relying on the decision of this Court in *Jamul Cement Works v. State Industrial Court* (supra).”

(6) In view of the decision rendered by the Division Bench of the Madhya Pradesh High Court in the matter of ***Ajit Singh*** (supra) and in view of the clear-cut finding recorded by two courts below, I do not find any merit in the instant writ petition.

(7) Accordingly, the writ petition being devoid of merit is liable to be and is hereby dismissed. However, the petitioner is at liberty to proceed in accordance with law for correction of his date of birth.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

