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HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition No.2064 of 2004

Steel Authority of India Limited, Through Managing Director,
Bhilai Steel Plant, Bhilai.

---- Petitioner

Versus

1. R.N. Metya, S/o Late S.C. Metya, LIG-65, Amdi Nagar,
HUDCO, Bhilai, Distt. Durg (C.G.) 490 009.
2. Industrial Court Chhattisgarh, Raipur.
3. Labour Court, Durg, Chhattisgarh.

---- Respondents

For Petitioner: Mr. P.R. Patankar, Advocate.
For Respondent No.1: Mr. H.B. Agrawal, Senior Advocate with
Mrs. Meera Jaiswal, Advocate.

AND

Writ Petition No.4591 of 2004

Shri R.N. Metya, S/o Late S.C. Metya, R/o Quarter No.28-G,
Street No.15, Sector-2, Bhilai, District Durg (Chhattisgarh)

---- Petitioner

Versus

1. Steel Authority of India Limited, Bhilai Steel Plant, Through
Managing Director, Bhilai Steel Plant, Bhilai, District Durg
(Chhattisgarh)
2. State Industrial Court of Chhattisgarh, Raipur, District Raipur
(Chhattisgarh)

---- Respondents

For Petitioner: Mr. H.B. Agrawal, Senior Advocate with
Mrs. Meera Jaiswal, Advocate.
For Respondent No.1: Mr. P.R. Patankar, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

23/01/2017

1. Since common question of fact and law is involved in both these cases, they are being taken-up together, heard together and are being decided by this common order.
2. These petitions are mainly directed against the order of the State Industrial Court dated 14-5-2004 by which the Industrial Court has partly interfered with the order of the Labour Court. The Labour Court by its order dated 12-11-2003 directed Steel Authority of India Limited to pay Rs.8,17,937/- on account of back-wages and arrears of salary and allowances payable to the employee for the period during which he remained out of employment as a result of termination.
3. Mr. H.B. Agrawal, learned Senior Advocate appearing for the employee, would submit that the Industrial Court has held that wage will not include overtime allowance, full allowance, LTA, LTC, medical allowance, award, cash amount in lieu of leave etc., which is perverse in view of the definition of wages as defined in Section 2(35) of the Chhattisgarh Industrial Relations Act, 1960.
4. Mr. P.R. Patankar, learned counsel appearing for Steel Authority of India Limited / employer, would submit that the finding of the Industrial Court is perverse as it has rightly been

held that the workman is not entitled for overtime allowance, full allowance, LTA, LTC, medical allowance etc., as he has not worked in that period.

5. I have heard learned counsel for the parties and also perused the records and considered their rival submissions.
6. Term 'wages' has been defined in Section 2(35) of the Chhattisgarh Industrial Relations Act, 1960 which states as under: -

"wages" means remuneration of all kinds capable of being expressed in terms of money and payable to the employee in respect of his employment or work done in such employment and includes--

(i) any bonus, allowances (including dearness allowance), reward or additional remuneration;

(ii) the value of any house accommodation, light, water, medical attendance or any other amenity or service;

(iii) any wages payable for the period of leave;

(iv) any compensation payable for lay-off or retrenchment;

(v) any contribution by the employer to any social security scheme, pension or provident fund;

(vi) any gratuity payable on discharge;

(vii) any travelling allowance or value of any travelling concession;

(viii) an sum paid or payable to or on behalf of an employee to defray special expenses entailed on him by the nature of his employment; and

(ix) any amount payable to an employee under any law for the time being in force for the protection of rights of employees or for regulating their relations with the employers, or under any award, settlement or agreement."

7. Therefore, the term "wages" as defined in the Act of 1960 has to be kept in mind by the Industrial Court while calculating wages as directed by the Labour Court earlier. In the circumstances, the order of the Industrial Court is modified to the extent that 'wages' as defined in Section 2(35) of the Act of 1960 has to be taken into account while calculating wages. I do not find any other illegality or jurisdictional error in the impugned order, as the matter has been litigated by the parties at various courts and the order of 50% back-wages has been affirmed by the Supreme Court on 29-6-1998.
8. The Labour Court is directed to conclude hearing and decide the case within a period of three months from the date of receipt of a copy of this order.
9. With the aforesaid modification, both the writ petitions stand finally disposed of, leaving the parties to bear their own costs.

Sd/-
(Sanjay K. Agrawal)
Judge