

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPL No. 92 of 2016**

David Joshef S/o Shri Joshef, Aged About 45 Years R/o Mission Colony, Tilda, Nevra, Tahsil And District Raipur Chhattisgarh

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

1. Manager, High Tec Steel And Power Limited Parsada, Tilda, District Raipur Chhattisgarh
2. Presiding Officer, Labour Court No. 2, Raipur Chhattisgarh

...Respondents

For Petitioner	:	Mr. Badal Bhardwaj, Advocate
For Respondent No.1	:	Mr. Lav Sharma, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****21/07/2017**

Heard.

1. Though the challenge has been made to order dated 22.09.2015 passed by the Labour Court, it appears that the challenge is essentially to the action of the respondents in not allowing the petitioner to join.
2. The petitioner had taken a dispute to the Labour Court that he has been terminated as he has not been allowed to join. In response thereto, the employer came with the stand that the petitioner has only been suspended and not terminated from service. The Labour Court, therefore, passed final order recording above facts that the petitioner continues in service but only under suspension. Therefore, at this stage, no order can be issued by treating the petitioner as terminated employee.
3. This Court cannot issue a writ to respondent No.1 which is a

private institution and has no trappings of a State under Article 12 of the Constitution of India. At the same time, if the petitioner has any grievance with the order of suspension, his remedy lies in filing appropriate application under the Labour Laws before the Forum provided under the law.

4. With the aforesaid liberty, the petition is dismissed.

Sd/-

(Manindra Mohan Shrivastava)

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