

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP (227) No.625 of 2014**

1. Superintendent Archeologist, Archeological Survey of India, Bhubaneshwar Circle, Tosali Apartment, Satya Nagar, Bhubaneshwar (Orissa)
2. The Superintendent Archeologist, Archeological Survey of India, Raipur Circle, Govind Sarang Comm. Complex, New Rajendra Nagar, Raipur (CG)
3. The Conservation Assistant, Archeological Survey of India, Dervikhurd, Bilaspur (CG)

----- Petitioners**Versus**

Shri Roop Chand Pandey, S/o Shri Dwarika Prasad Pandey, Resident of Village & Post Office-Malhar, Tahsil-Masturi, Distt.Bilaspur (CG)

----- Respondent

For Petitioners	:	N.K.Vyas, Advocate
For Respondent	:	Mr.S.P.Kale, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****27/02/2017**

1. By way of this writ petition under Article 227 of the Constitution of India, the petitioners herein calls in question the award dated 11.2.2014 (Annexure P/1) passed by the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur (hereinafter called as "CGIT") by which the CGIT finding the termination of the respondent to be illegal directed payment of compensation to the extent of ₹ 30,000/- within 30 days from the date of order along with 9% interest. Against which, this writ petition has been filed.

2. Mr.N.K.Vyas, learned counsel appearing for the petitioners, would submit that the petitioner's Department i.e. Archaeological Survey of India is not an "Industry" within the meaning of Section 2 (j) of the Industrial Disputes Act, 1947, therefore, the award passed by the CGIT is illegal and deserves to be set aside.
3. Mr.S.P.Kale, learned counsel appearing for the respondent, would submit that such a plea has not been raised by the petitioners before the CGIT, therefore, such a plea cannot be permitted to be taken first time before this Court.
4. I have heard learned counsel appearing for the parties, considered their rival submissions made herein and also gone through the documents appended with the writ petition with utmost circumspection.
5. A careful perusal of the impugned award would show that above-stated plea has not been raised by the petitioners before the CGIT, therefore, the petitioners cannot be permitted to take such a plea first time before this Court. The CGIT has awarded compensation of ₹ 30,000/- in lieu of termination. It cannot be held to be on shockingly high warranting interference in exercise of jurisdiction under Article 227 of the Constitution of India.
6. In view of above, the writ petition deserves to be and is

accordingly dismissed. No order as to cost(s).

Sd/-

(Sanjay K.Agrawal)
Judge

B/-