

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (Art. 227) No.2371 of 2008

(Arising out of order dated 22-12-2007 in Appeal No.75/CGIR Act/A-11/2007 of the learned State Industrial Court, Chhattisgarh, Raipur)

Chhattisgarh Infrastructure Development Corporation, Raipur,
Chhattisgarh, through its Divisional Manager (Transport Section),
Raipur (C.G.)

(Appellant)
---- Petitioner

Versus

1. Santosh Sharma (Dead) Through LR Smt. Shyama Sharma, W/o Late Shri Santosh Sharma, R/o New Mandi Gate, Pragati Maidan, Near District Hospital, Raipur (C.G.)
2. Madhya Pradesh State Road Transport Corporation, through Director, Head Office, MPSRTC, Habibganj, Bhopal, Madhya Pradesh.

(Respondents)
---- Respondents

For Petitioner: Mr. Amrito Das, Advocate.
For Respondent No.1: Mr. Prasoon Agrawal, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

15/11/2017

1. The Labour Court passed an order against the petitioner granting the amount of over time against which the petitioner preferred appeal before the State Industrial Court which was said to have been barred by limitation of 120 days and that has been rejected finding no sufficient cause against which the present writ petition has been preferred.
2. Learned counsel for the petitioner submits that sufficient cause was shown as copy of the order was not supplied by the Labour Court

to the petitioner and when the concerned employee approached claiming the amount, then only the petitioner applied for certified copy and thereafter preferred appeal as such the delay occurred.

3. On the other hand, learned counsel for respondent No.1 opposed the writ petition.
4. The cause shown by the petitioner for delay in filing the appeal is sufficient cause as such the delay ought to have been condoned by the Industrial Court as sufficient cause has been shown by the petitioner. Accordingly, the impugned order is set aside and the matter is remitted back to the Industrial Court for deciding the appeal on merits after hearing the parties within three months from the date of receipt of a copy of this order.
5. With the aforesaid observation, the writ petition stands finally disposed of. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge