

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 34 of 2017**

Jeevan Lal Sahu S/o Ubhay Lal Sahu, Aged about 54 years, R/o
Pahadipara, Gulab Nagar, Gudiyari, P.S. Gudiyari, Raipur (C.G.)

---- Appellant**versus**

1. Chhattisgarh Infrastructure Development Corporation Through-Its
Divisional Manager (Transport Department C.I.D.C., Raipur (C.G.))
2. State Industrial Court, Raipur Through-Its Chairman Raipur (C.G.)
3. Presiding Officer, Labour Court, Raipur (C.G.)

---- Respondents

For Appellant : Shri K.P.S. Gandhi, Advocate

For Respondent No.1 : Shri Ashish Shrivastava, Advocate

For Respondents 2 and 3 : None

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice
Hon'ble Shri Pritinker Diwaker, Judge

Judgment on Board**23/03/2017**

1. Notice to Respondents 2 and 3 dispensed with.
2. We have heard learned counsel for the Appellant and learned counsel for
Respondent No.1.
3. The Appellant challenges the imposition of cost by the learned Single Judge
while granting restoration of Writ Petition No. 6174 of 2005 which was
dismissed for default.
4. Award of costs being discretionary and that having been done in writ
jurisdiction, under normal circumstances we would not have interfered at all
but the learned counsel for the Appellant very persuasively states that his

client was earlier working in M.P.S.R.T.C. which was dissolved and he is fighting against an adverse decision by the Labour Court. It is therefore pointed out that in his challenge to economic status, the amount of cost imposed will be an unbearable burden.

5. On the totality of the facts and circumstances of the case, we take a lenient view and modify the order impugned in this appeal by reducing it to operate if the Appellant pays an amount of Rs.2,000/- as costs instead of Rs.7,500/- as award by the learned Single Judge, provided such payment is made within a period of three weeks from today.
6. The writ appeal stands disposed of accordingly.

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-

(Pritinker Diwaker)
Judge