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HIGH COURT OF CHHATTISGARH, BILASPUR**W.P. No. 5577 of 2005**

Managing Director, Steel Authority of India Ltd., Bhilai Steel Plant,
Bhilai (C.G.)

---- Petitioner**Versus**

1. R.K. Tiwari, S/o Late A.B. Tiwari, P. No. 137888, T. No.28036,
Assistant Chemist, Blast Furnace Express Laboratory, Research and
Control Laboratory, Bhilai Steel Plant, Bhilai
2. Industrial Court of CG at Raipur (C.G.)

---- Respondents

For Petitioner : Mr. Kashif Shakeel, Advocate.
For Respondents : Mr. T.K. Jha, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****14/02/2017**

(1) The petitioner – SAIL has questioned the order dated 18.02.2005 passed by Industrial Court by way of this writ petition.

(2) The sole contention raised by learned counsel appearing for the petitioner is that the Industrial Court has relied upon the Government of India's orders in respect of government residential accommodations, which is not applicable in residential buildings of the petitioner's company and, as such House Allotment Rules issued by the petitioner-SAIL is applicable to the respondent No.1-employee and impugned order has been passed by the Industrial Court replying upon inapplicable Rules, therefore, impugned order deserves to be dismissed.

(3) On the other hand, learned counsel for the respondents opposes the writ petition.

(4) It is correct to say that the Industrial Court has relied upon the Government of India's orders in respect of government residential accommodations whereas

Bhilai Steel Plant is having its own House Allotment Rules, which can be relied upon to decide the dispute pending between the parties.

(5) Be that as it may, Industrial Court while passing the impugned order relied upon the Government of India's orders in respect of government residential accommodations, which is not applicable in residential buildings of the petitioner's company and on that basis the impugned order has been passed, therefore, this Court is of the opinion, the impugned order deserves to be and is hereby set aside. The matter is remitted back to the Industrial Court and the Industrial Court is directed to consider the decide afresh the case of the petitioner in view of the House Allotment Rules framed by the petitioner-SAIL within a period of three months from the date of receipt of copy of this order as the matter relates to old one.

(6) The parties are directed to appear before the Industrial Court on **6th March, 2017**.

(7) The writ petition is allowed to the extent indicated above.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-