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HIGH COURT OF CHHATTISGARH, BILASPUR**WPL No. 37 of 2016**

Chhattisgarh Infrastructure Development Corporation Through: The Divisional Manager, Chhattisgarh Infrastructure Development Corporation, Bilaspur, (Chhattisgarh)

---- Petitioner**Versus**

1. Shankar Deen Sen S/o Damarilal Sen, R/o Penadetola, Bhandari, Kuwa, Chaurhata, Tehsil And District Rewa, (Madhya Pradesh)
2. Madhya Pradesh Road Transport Corporation (Old M P S R T C), Head Office Habib Ganj, Bhopal (Madhya Pradesh)

---- Respondents**And****WPL No. 30 Of 2016**

Chhattisgarh Infrastructure Development Corporation Through : The Divisional Manager, Cidc, Bilaspur District Bilaspur (Chhattisgarh)

---- Petitioner**Vs**

1. Smt. Triveni Agrawal S/o Shri Nannulaji Agrawal, R/o Behind Ladies Hospital, Darripara, Gupta Colony, In Front Of House Of Yadav Postman, Ambikapur, Tehsil & District - Surguja (Chhattisgarh)
2. Madhya Pradesh Road Transport Corporation, (Old Mpsrtc), Head Office Habib Ganj, Bhopal (Madhya Pradesh).

---- Respondents**And****WPL No. 38 Of 2016**

Chhattisgarh Infrastructure Development Corporation Through : The Divisional Manager, Chhattisgarh Infrastructure Development Corporation, Bilaspur (Chhattisgarh)

---- Petitioner**Vs**

1. Shailendra Singh S/o Danial, R/o. Jarhagaon, Tehsil & District Bilaspur (Chhattisgarh).
2. Madhya Pradesh Road Transport Corporation (Old M P S R T C), Head Office Habib Ganj, Bhopal (Madhya Pradesh)

---- Respondents

And

WPL No. 39 Of 2016

Chhattisgarh Infrastructure Development Corporation Through: The Divisional Manager, Chhattisgarh Infrastructure Development Corporation, Bilaspur (Chhattisgarh).

---- Petitioner

Vs

1. Loknath Das S/o Ramkrishan Das, R/o Shankarnagar, Chuchuhiya Para, Tehsil & District - Bilaspur (Chhattisgarh).
2. Madhya Pradesh Road Transport Corporation (Old M P S R T C), Head Office Habib Ganj, Bhopal (Madhya Pradesh).

---- Respondents

And

WPL No. 40 Of 2016

Chhattisgarh Infrastructure Development Corporation Through: The Divisional Manager, Chhattisgarh Infrastructure Development Corporation, Bilaspur (Chhattisgarh).

---- Petitioner

Vs

1. Jagdish Singh Tomar S/o Shri Shankar Singh Tomar, R/o. Lashkar Khana Pool, Post Madhwan Lashkar, Tomar Kirana Stores Lashkar, Tehsil & District - Gwalior (Madhya Pradesh).
2. Madhya Pradesh Road Transport Corporation (Old M P S R T C), Head Office Habib Ganj, Bhopal (Madhya Pradesh).

---- Respondents

And

WPL No. 29 Of 2016

Chhattisgarh Infrastructure Development Corporation Through: The Divisional Manager, Chhattisgarh Infrastructure Development Corporation, Bilaspur, (Chhattisgarh)

---- Petitioner

Vs

1. Abdul Hamid Khan S/o Shri Mehmud Khan, R/o Near Veterinary Hospital, Rajnagar, Tehsil & District Chhatarpur (Madhya Pradesh)
2. Madhya Pradesh Road Transport Corporation (Old M P S R T C), Head Office Habib Ganj, Bhopal (Madhya Pradesh)

---- Respondents

For Petitioners	: Shri Anup Majumdar, Advocate.
For Respondent No. 1	: Shri A.K. Prasad, Advocate.
For Respondent No. 2	: Shri Aman Kesharwani, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

18/04/2017

(1) This Court, in Writ Petition No.686/2005, has directed the Industrial Court to consider the plea of Chhattisgarh Infrastructure Development Corporation ("CIDC" in short) with reference to order dated 16.07.2012 passed by Division Bench of this Court in Writ Appeal No.419/2011 **{State of Chhattisgarh & another Vs. G.K. Gupta & another}**.

(2) The Industrial Court, by order dated 28.10.2015, petitioner's plea with regard to its liability to reinstate the respondent No.1/workman and to pay full back wages has not been considered and decided, against which instant writ petitions have been filed questioning the same.

(3) Counsel for the petitioner would submit that the petitioner's plea with regard to its liability to reinstate the respondent No.1 and to pay full backwages to him has not been considered by the Industrial Court while passing the impugned order despite order of this Court dated 16.07.2012 passed in Writ Appeal No. 419/2011 and, therefore, the order impugned be set aside and the Industrial Court be directed to re-consider the liability of the CIDC with regard to reinstatement of respondent No. 1/ workman and for backwages.

(4) On the other hand, counsel for the respondents would oppose the writ petitions.

(5) I have heard learned counsel appearing for the parties and perused the order impugned with utmost circumspection.

(6) Indisputably, this Court vide order dated 27.03.2015 directed the Industrial Court to consider the petitioner's plea with reference to order dated 16.07.2012 passed by Division Bench of this Court in Writ Appeal No.419/2011 and made it open to the petitioner to file review and the Industrial Court was directed to consider the plea of petitioner including his liability to pay full backwages but that has not been considered by the Industrial Court while passing the impugned order and, therefore, the impugned order deserves to be set aside.

(7) Accordingly, the impugned order is set aside. The Industrial Court is directed to reconsider the plea raised by the petitioners and would decide as to whether the CIDC is liable for reinstatement of the respondent No. 1/workmand to pay backwages to them in light of order dated 16.07.2012 passed by Division Bench of this Court in Writ Appeal No.419/2011 {**State of Chhattisgarh & another Vs. G.K. Gupta & another**} expeditiously preferably within a period of three months from the production of copy of this order.

(8) Accordingly, the writ petitions are allowed to the extent indicated hereinabove.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

