

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT APPEAL NO. 42 OF 2017

Mohan Jute Mills Ltd., Harish Garg, S/o Late Shri Rishikesh Garg, aged about 51 years, R/o at C/o Mohan Jute Mills Staff Quarters Compound, Sarangarh Road, Raigarh (C.G.)

... Appellant

Versus

1. State of Madhya Pradesh, through Labour Commissioner, Indore (M.P.)
2. Member Judge, Industrial Court, Bench at Raipur (M.P.)
3. Presiding Officer, Labour Court, Bilaspur (M.P.)
4. Deputy Labour Commissioner, Chhattisgarh Range, Raipur.
5. Assistant Labour Commissioner, C/o Labour Commissioner, M.P., Indore.
6. Labour Officer, Labour Sub Division, Raigarh (M.P.)
7. Raigarh Jute Mill Labour Union, Representative Laour Sangh, through: Shri Tej Narayan Singh, General Secretary, Sarangarh Road, Raigarh (M.P.)
8. Tahsildar, Raigarh (M.P.)

... Respondents

For Appellant	:	Mr. Amrito Das, Advocate.
For Respondent-State	:	Mr. J.K. Gilda, Advocate General.

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice

Hon'ble Shri Justice P. Sam Koshy

Order on Board

Per Thottathil B. Radhakrishnan, C.J.

17/04/2017

1. Heard learned Counsel for the Appellant and learned Advocate General on behalf of Respondents No. 1, 4, 5 and 6 who are the official Respondents, that is to say, the State of Madhya Pradesh, Deputy Labour Commissioner, Assistant Labour Commissioner and the Labour Officer, Labour Sub Division, Raigarh.

2. This Writ Appeal arises from the judgment of the learned Single Judge, dated 1.8.1999, modifying the directions of the Industrial Court and thereby confining the recovery order to be as 50% of the amount covered by the judgment of the learned Single Judge.

3. The official Respondents who appear, have placed a Preliminary Submission, dated 6.1.2000, pointing out among others that the appellant-establishment and the 7th Respondent-Union entered into a settlement on 30.10.1999 and they are bound by the terms of that settlement which is produced as 'Document D-1' along with the Preliminary Submission.

4. In the light of the aforesaid, the impugned judgment of the learned Single Judge is vacated and the appellant-establishment and the 7th Respondent are directed to abide by the afore-noted settlement dated 30.10.1999. The official Respondents are directed to give effect to the said settlement and if there is any allegation of breach, it will be open to the 7th Respondent or any other workman or any Trade Union to espouse the matter before the jurisdictional Labour Officer or other authority empowered by law, to enforce the said settlement. This Writ Appeal is ordered accordingly. As a consequence of this judgment, any RRC which is subject matter of the proceeding before the learned Single Judge will stand quashed.

Sd/-
(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-
(P. Sam Koshy)
Judge