

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition No. 3381 of 2004**

Steel Authority of India Limited, Through : Managing Director, Bhilai Steel Plant, Bhilai

----Petitioner

Versus

1. Shri Randhir Singh, S/o Shri Prahlad Singh, Age 35 years, Qr. No. 1/E, Street No. 30, Sector-6, Bhilai Nagar, Distt.Durg (C.G.)
2. Industrial Court, Chhattisgarh, Raipur,
3. Labour Court, Durg

---- Respondents

For Petitioner : Mr. P.R. Patankar, Advocate
 For Respondent No.1 : None appeared on behalf of respondent No.1, though served.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

03/08/2018

1. The respondent No.1/employee was subjected to domestic enquiry by the petitioner- SAIL, in which the Enquiry Officer held that charges against respondent No.1 are not proved. Disciplinary Authority disagreeing with the finding of Enquiry Officer inflicted penalty of reduction of pay by 5 stages for a period of three years with a cumulative effect, which was set aside by the Labour Court holding that domestic enquiry is legal & proper but the misconduct is not established against the respondent No.1/employee, which has been affirmed by the Industrial Court, against which, instant writ petition has been filed questioning the same.

2. Learned counsel appearing for the petitioner would submit that the finding recorded by both the courts below holding that misconduct is not established against the respondent No.1/employee is perverse and contrary to the record, therefore, it deserves to be set aside.

3. None for respondent No.1, though served.

4. I have heard learned counsel appearing for the petitioner and perused the material available on record with utmost circumspection.

5. The Labour Court as well as Industrial Court have concurrently held that though the domestic enquiry is legal and proper but the charges of misconduct are not established against the respondent No.1/employee, is a finding of fact based on material available on record, in which, I do not find any illegality or perversity warranting interference by this court in the instant writ petition.

6. Accordingly, the writ petition is liable to be and is hereby dismissed.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-

