

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 43 of 2018**

Kewal Chand Gaikwad S/o Shri Tulchand aged about 70 years, R/o village Murmunda, Tahsil Dhamdha, District Durg, Chhattisgarh.

---- Appellant**Versus**

1. Managing Director, Steel Authority of India Limited, Bhilai Steel Plant, Bhilai, District Durg, Chhattisgarh.
2. The Industrial Court, Chhattisgarh, Through Registrar, Industrial Court, Chhattisgarh, Raipur, Chhattisgarh.

---- Respondents

For Appellant	: Shri R.S.Patel, Advocate.
For Respondent/SAIL	: Dr. Saurabh Kumar Pande, Advocate.

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice
Hon'ble Shri Prashant Kumar Mishra, Judge

Order on Board**07/08/2018****Per Ajay Kumar Tripathi, Chief Justice**

1. Heard counsel for the parties.
2. This appeal is against a limited prayer which has been refused by the learned Single Judge in his order dated 08.11.2017.
3. The order of termination passed against the Appellant was set aside by the Labour Court, but without backwages. The Appellate Court also held the same view that keeping in mind the conduct of the Appellant of suppression and misrepresentation in his declaration before the Respondent-authorities, the maximum which the Appellant could earn by way of reprieve was reinstatement.

4. In the given facts and circumstances, the learned Single Judge did not find the line of reasonings for refusal to pass order of payment of backwages and it is the rejection of that prayer before the learned Single Judge which is the cause of action for the Appellant to prefer this appeal.
5. We too have gone through the order of the Labour Court as well as the Appellate Court. The Appellant is lucky to have got away from virtually a sentence of death because that is what an order of termination means for an employee. It is not once, but twice over that the Appellant has not only misdeclared but also suppressed the vital facts in begetting employment under the Steel Authority of India Limited.
6. The primary reason why the Labour Court seems to have interfered with the order was that it found the order of dismissal to be harsh and disproportionate. So far as finding of guilt is concerned, that was not interfered with.
7. In this backdrop, if reinstatement without backwages was ordered, it cannot be said to be an unreasonable order or an erroneous order which was required to be interfered with.
8. The appeal therefore has no merit. It is dismissed.

Sd/-

(Ajay Kumar Tripathi)
CHIEF JUSTICE

Sd/-

(Prashant Kumar Mishra)
JUDGE