

**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition No. 2410 of 2003**

Steel Authority of India Ltd., Bhilai Steel Plant, Bhilai, Through : Managing Director,  
Bhilai Steel Plant, Bhilai

**---- Petitioner**

**Versus**

1. Panch Kumar, S/o Dhanesh, Village – Sukhari, P.O. Matwari, Distt. Durg (C.G.)
2. Labour Court, Durg (C.G.)
3. Industrial Court Bench, Raipur, Krishna Sadan, 16-HIG, Shankar Nagar, Raipur (C.G.)

**---- Respondents**

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| For Petitioner  | : Dr. N.K. Shukla, Senior Advocate assisted by Shri<br>Vikram Sharma, Advocate |
| For Respondents | : None for respondents, though served.                                         |

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**Hon'ble Shri Justice Sanjay K. Agrawal**

**Order On Board**

**26/06/2018**

(1) In a domestic enquiry held against the respondent No. 1/employee, he was terminated from the services by the petitioner-Steel Authority of India (henceforth "SAIL"). The respondent No.1 challenged the same before the Labour Court, in which, the Labour Court held that the domestic enquiry is illegal and improper and, thereafter, afforded opportunity of hearing to the employer and employee both and directed for reinstatement of respondent No. 1 along with full backwages by its order dated 21.10.1993.

(2) On an appeal preferred by the petitioner herein thereagainst, the Industrial Court, by its order dated 23.01.2003 modified the award of Labour Court and held that the respondent

No. 1 - employee is only entitled for reinstatement and not the backwages. Feeling aggrieved and dissatisfied with the order passed by the Industrial Court, instant writ petition has been filed questioning the same.

(3) Dr. N.K. Shukla, learned Senior Counsel appearing for the petitioner would submit that the concurrent finding recorded by both the courts below directing reinstatement of respondent No. 1 is perverse and contrary to the record and, therefore, the same is liable to be set aside.

(4) None has appeared on behalf of respondent No.1 to support the impugned order.

(5) I have heard learned counsel appearing for the petitioner and perused the record of both the courts below with utmost circumspection.

(6) Both the two courts below i.e. Labour Court & Industrial Court have concurrently held that the petitioner-SAIL has failed to prove the misconduct against the respondent No. 1-employee and came to the concurrent conclusion that no misconduct has been proved by the petitioner-SAIL. The said finding recorded by both the courts below are the findings of facts 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.

(7) Accordingly, the writ petition fails and is hereby dismissed.

Sd/-

(Sanjay K. Agrawal)

Judge

D/-