

HIGH COURT OF CHHATTISGARH, BILASPUR
WP227 No.6644 of 2009

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

---- Petitioner

Versus

1(A) Naina W/o Late Vijay Kumar, aged about 42 years,
 1(B) Bipin Kumar, S/o Late Shri Vijay Kumar, aged about 24 years,
 1(C) Bharat Kumar S/o Late Shri Vijay Kumar, aged about 22 years,
 1(D) Ms Priti D/o Late Shri Vijay Kumar, aged about 21 years,

1(A) to 1(D) are R/o Qr.No.13C, Street No.15, Sector-2, Bhilai Nagar,
 Dist. Durg (CG)

2. Presiding Officer, Labour Court, Durg (Chhattisgarh)
 3. President, State Industrial Court, Chhattisgarh at Raipur

---- Respondents

For Petitioner	:	Mr.B.D.Guru, Advocate
For Respondents	:	None present

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

25/1/2018

1. Mr.Vijay Kumar (since deceased) was served with a charge-sheet by the petitioner herein alleging for committing misconduct of theft and dishonesty in connection with company's property under Standing Order 29(ii) of the Bhilai Steel Plant, in which charges were found proved and he was removed from service, to which the said employee challenged by filing an application under Section 31(3) of the Chhattisgarh Industrial Relations Act, 1960. In the said proceeding, the Labour Court declared the domestic enquiry to be illegal and bad in law and thereafter directed for reinstatement along with full back wages. The petitioner preferred an appeal before the Industrial Court. The Industrial Court converted the relief of

reinstatement into compensation to the tune of ₹ 4 lacs in total. Against which, this writ petition has been filed by the petitioner herein.

2. Learned counsel for the petitioner would submit that the order passed by the Labour Court as affirmed by the Industrial Court is unsustainable and bad in law.
3. No one has appeared on behalf of the respondents though notice has been served.
4. I have heard learned counsel for the petitioner and perused the impugned order and documents appended with the writ petition.
5. The Labour Court declared the domestic enquiry to be illegal and bad in law and thereafter clearly came to the conclusion that the petitioner has failed to prove the charges of misconduct against the delinquent servant. Even the criminal Court has acquitted the deceased from the charge of offence under Section 379 of the IPC. The Industrial Court has also affirmed the finding of the Labour Court. The concurrent finding recorded by two Courts below holding that the petitioner has failed to prove the charges of misconduct against delinquent servant is the finding of fact based on the material available on record. I do not find any illegality in the said finding.
6. Accordingly, the writ petition is liable to be and is hereby dismissed leaving the parties to bear their own cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge