

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPL No. 6284 of 2008**

1. Chhattisgarh Infrastructure Development Corporation (Transport Section), Through: its Divisional Manager, Division Bilaspur, Chhattisgarh
2. Managing Director, Chhattisgarh Infrastructure Development Corporation, Shastri Chowk, Raipur, Chhattisgarh

---- Petitioners**Versus**

1. Laxmi Pandey, S/o. Shri Narayan Prasad Pandey, R/o. Near Ram Janki Mandir, Baniyapara, Takhatpur, District Bilaspur, Chhattisgarh
2. The Presiding Officer, Labour Court, Raigarh Chhattisgarh
3. The Industrial Court, Branch at Bilaspur, Through: its Joint Registrar.

----Respondents

For Petitioners	:	Mr. Pallav Mishra, Advocate under instructions of Mr. R.N. Pusty, Advocate
For Respondent No.1	:	Mr. Vinod Deshmukh, Advocates
For State	:	Mr. Lav Sharma, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order on Board****22/01/2018**

1. Present is a writ petition assailing the two orders, one passed by the Industrial Court, Bilaspur in Appeal Case No. 48/CGIR Act/A-II/2007, dated 02.08.2008 (Annexure P/7) and also the order dated 24.09.2007 (Annexure P/6) passed by the Labour Court, Raigarh, in Case No. 221/CGIR/COC-I-A/2003.
2. The brief facts of the case is that the respondent No.1 in the instant case was an employee of the erstwhile Madhya Pradesh State Road Transport Corporation (MPSRTC) and subsequently on the creation of the State of Chhattisgarh, he came under the employment of the petitioners-Corporation i.e. Chhattisgarh Infrastructure Development Corporation.

3. The services of the respondent No.1 stood terminated vide an order dated 09.10.2001. The worker involved in the instant case subsequently raised the dispute before the Labour Court Raigarh where the case was registered as 221/CGIR/COC-I-A/2003. Initially, the learned Labour Court vide order dated 13.07.2006 held that the departmental enquiry conducted against the employee stood vitiated as there was apparent violation of principles of natural justice and permitted the employer to lead evidence to prove the charges before the Labour Court. Subsequently, the Corporation led an evidence of only one witness namely Ramkumar Kaushik and the Labour Court finally vide order dated 24.09.2007 held the termination order to be bad in law in as much as the charges leveled against the employee could not be sufficiently proved.
4. The said order was subjected to challenge before the Industrial Court by the worker as well as by the employer i.e. petitioners-Corporation. The appeal of the Corporation was registered as Civil Appeal Case No. 48/CGIR Act/A-II/2007 and the appeal by the employee was registered as Civil Appeal Case No. 47/CGIR Act/A-II/2007. The learned Industrial Court in exercise of its appellate power vide order dated 02.08.2008 rejected both the appeals of the Corporation as well as by the employee. It is this order which is under challenge in the present writ petition.
5. At the outset, it has been informed by the counsel for the respondents that immediately after the order of Labour Court dated 24.09.2007, the employee has been reinstated and he has been in continuous employment till date, as such he has worked more than 10 years of continuous service after reinstatement.

6. The counsel for the petitioners submits that the orders passed by the two Courts below are bad in law and deserves to be set-aside/quashed for the reason that the Tribunal has not properly appreciated the evidence led by the Corporation. It was further contended that the Industrial Court also did not properly appreciate the allegations which were leveled against the employee.
7. A perusal of the record would show that the finding of the Labour Court is a well reasoned and specific order dealing with all evidences which have come on record and the nature of allegations which were leveled against the employee in the charge sheet and this Court finds the finding of the Labour Court to be inconsonance to the evidence which have come on record and therefore the finding of the Industrial Court also in affirming the order of Labour Court does not seem to be in anyway erroneous or perverse.
8. Since there is a concurrent finding of the facts by two of the Courts below, this Court does not find any strong case made out by the petitioners for invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India calling for an interference with the two orders passed by the Labour Court as well as the Industrial Court. It is always a settled position of law that under Article 226 of the Constitution of India this Court would not sit as an appellate authority or an appellate Court sitting on the findings of the fact given by the two Courts below.
9. Given the facts and circumstances, the present writ petition fails and is accordingly rejected.

Sd/-
(P. Sam Koshy)
Judge