

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (L) NO. 6283 OF 2008

Chhattisgarh Infrastructure Development Corporation, Transport Section,
through its Divisional Manager, Divisional Office- Bilaspur, District Bilaspur
(C.G.)

... Petitioner

versus

1. S.N. Pandey, S/o Shri Teerathraj Pandey, aged about 53 years, R/o Seepat Chowk, near Maanas Mandir, Bilaspur (C.G.)
2. The Managing Director, M.P. Road Transport Corporation, Head Office- Habibganj, Bhopal (M.P.)
3. The Presiding Officer, Labour Court, Bilaspur (C.G.)
4. The Industrial Court Bench at Bilaspur, through its Joint Registrar.

... Respondents

For Petitioner	:	Mr. Pallav Mishra, Advocate, under instructions of Mr. R.N. Pusty, Advocate.
For Respondents	:	None appears.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

16/01/2018

1. Challenge in the present writ petition is to the order dated 28.5.2007 (Annexure P-14) passed by the Labour Court, Bilaspur in a proceeding under Section 108 of the Chhattisgarh Industrial Relations Act (*hereinafter referred to as 'the C.G.I.R. Act'*) and also the order dated 10.7.2008 (Annexure P-15) passed by the Industrial Court, Bench at Bilaspur, in an appeal preferred by the Petitioner which also stood rejected.

2. Brief facts of the case for adjudication of the dispute are that Respondent No.1 in the instant petition was a employee of the erstwhile Madhya Pradesh State Road Transport Corporation (*hereinafter referred to as 'MPSRTC'*). The services of Respondent No.1 stood terminated on 8.10.1987. The termination was challenged in a proceeding under Section 31(3) of the C.G.I.R. Act before the Labour Court, Bhopal and the Labour Court allowed the application and ordered for reinstatement with full back-wages, vide its order dated 21.10.1991.

3. Thereafter, the Respondent No.1 was immediately reinstated. However, the portion of the order of the Labour Court granting full back-wages was put to challenge before the Industrial Court, Bhopal, and the Industrial Court vide its order dated 14.12.1999 remanded the matter for fresh adjudication only on the issue of grant of full back-wages.

4. The Labour Court in spite of remand being made, allowed the application of the worker maintaining the grant of full back-wages, vide its order dated 25.2.2002.

5. The said order was again put to challenge by the Petitioner in an appeal under Section 65 of the C.G.I.R. Act before the Industrial Court, Bhopal, which again rejected the appeal of the Petitioner vide its order dated 15.9.2003.

6. Subsequently, though the orders of reinstatement and back-wages were passed, the Respondent No.1 filed a representation before the authorities concerned for grant of benefit of increment for the intervening period when he was out of employment, *i.e.*, from 1987 to 1991, and for fixing of his wages after granting proper fixation after adding annual increments which he was entitled for.

7. The Petitioner however refused to accept the claim of Respondent No.1. Later on, vide application under Section 108 of the C.G.I.R. Act, the Respondent No.1 claimed monetary benefits before the Labour Court, Bilaspur.

8. The Labour Court, Bilaspur, vide its order dated 28.5.2007 (Annexure P-14), allowed the application and held that since there was an order of reinstatement with full back-wages and which has attained finality, for all practical purposes, the Respondent No.1 would also be entitled for benefits of annual increments that accrue to his wages.

9. This order of the Labour Court, Bilaspur was further put to challenge by the Petitioner in an appeal before the Industrial Court, Bilaspur. However, the Industrial Court, Bilaspur also vide the impugned order dated 10.7.2008 (Annexure P-15) rejected the appeal of the Petitioner.

10. Learned Counsel for the Petitioner submits that so far as the original dispute by Respondent No.1 is concerned, it was with the erstwhile MPSRTC and that the Petitioner will not be held liable for any orders which were ultimately passed against the MPSRTC. He further submits that even otherwise whatever liability which had accrued during the period when the State of Madhya Pradesh was in existence and the State of Chhattisgarh or the Chhattisgarh State Infrastructure Development Corporation were not apportioned, the Petitioner cannot be held responsible for payment of this amount.

11. Meanwhile, on a query being put to the learned Counsel for the Petitioner, he fairly admits that the MPSRTC in the meantime has released a payment of approximately Rs.55,000/- to Respondent No.1, as is reflected from the order of the Labour Court in its order dated 28.5.2007. As such, the dispute now remains only for the balance of amount of Rs.45,000/-.

12. This Court in the given facts and circumstances of the case, particularly taking into consideration the finality of the matter so far as the reinstatement with full back-wages, does not have any doubt that the Respondent No.1. should be paid the incremental benefits for the intervening period. Once when the order of termination is set aside, the consequential benefit becomes imperative. The Respondent No.1. has been rightly awarded incremental benefits for the intervening period.

13. Accordingly, this Court is of the opinion that no strong case has been made out by the Petitioner for interfering with the two impugned orders under challenge.

14. However, it is made clear that in case the Petitioner finds that the said amount has ultimately to be recovered from the MPSRTC in view of the bifurcation of the two Corporation on the creation of the new States, the Petitioner can initiate appropriate proceeding for adjustment of the dues that are payable between the two.

15. The writ petition stands dismissed with the aforesaid observation.

Sd/-
(P. Sam Koshy)
Judge