

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (L) No.3012 of 2007**

Amosh Kumar Masih, aged 43 years, S/o Amrit Masih, Bufferman,
Divisional Workshop of the State Transport Corporation,
Ramabhatha, Raipur (CG).

---- Petitioner**Versus**

1. Chhattisgarh Infrastructure Divisional Corporation, Through Divisional Manager, Raipur (CG).
2. State Industrial Court, Through Chairman, Raipur (CG).

---- Respondents

For Petitioner	:	Shri CR Sahu, Advocate.
For respondent No.1	:	Shri Anup Majumdar and Shri Basant Dewangan, Advocates.

SB: Hon'ble Shri Justice P. Sam Koshy**Order On Board****16/02/2018**

1. The present writ petition under Article 226 of the Constitution of India has been filed assailing the order dated 16.08.2005 passed by the State Industrial Court, Bench at Raipur in Civil Appeal No.160/MPIR/A-II/2003.
2. Brief facts of the case is that, the petitioner who was initially appointed by the respondent No.1 as a Helper was subsequently promoted to the post of Buffer man. The petitioner claims to have discharged the nature of duties of Typist. He had filed a claim case before the Labour Court under Section 31 (3) of the MPIR Act, 1960, seeking direction to issue an order of promotion in favour of the petitioner on the post of Typist and also for grant of difference of

wages of Typist with that of Buffer Man. The Labour court vide order dated 13.05.2003 in case No.CIE/A/184/MPIR/2000, rejected the claim of the petitioner seeking promotion on the post of Typist, however, passed an order in his favour for difference of wages with that of Buffer Man.

3. The said order dated 13.05.2003 was subjected to challenge by the management before the Industrial Court under Section 65 of the Industrial Relations Act. The Industrial Court, vide impugned order dated 16.08.2005 allowed the appeal of the management and held that the petitioner is not entitled for any relief particularly the monetary benefit. It is this order which is under challenge in the present writ petition.
4. The contention of the petitioner is that though he was holding the post of Buffer Man, but continuously discharging the duties of a Typist and therefore he was entitled to be promoted on the said post.
5. On Specific query being put to the counsel for the petitioner, he fairly admits that there was no order in writing in favour of the petitioner with which it can be established that there was a written order in his favour for discharging the duties of a Typist. Moreover, if we peruse the records, it reflects that except for the oral statement of the petitioner himself before the Labour court, there was no prove whatsoever produced before the Labour Court to substantiate the contention raised by him.
6. It is well settled law, that in order to get specific relief of any nature of monetary benefit, there has to be an order specifically issued in

favour of the petitioner by the department for discharging particular nature of duties. Merely because the petitioner since knew typing and he had occasionally discharged the work of Typist by itself would not create any substantive right in his favour for getting the salary that of Typist unless there is a specific order by the employer issued in his favour. In the absence of any order in this regard or evidence produced by the petitioner before the Labour Court, this court does not find the order of the Industrial Court setting aside the order of Labour Court to be in any manner illegal, improper or unjustified.

7. Thus, the petitioner failed to make out a case for interference with the impugned order. Accordingly, the writ petition stands rejected.

Sd/-
(P. Sam Koshy)
Judge