

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition No.3748 of 2003

(Arising out of order dated 22-9-2003 in Appeal No.605/M.P.I.R. Act/96 of the learned Industrial Court, Chhattisgarh, Raipur)

1. Managing Director, Bhilai Steel Plant, Bhilai.
2. Manager Sports, Bhilai Steel Plant, Bhilai.

---- Petitioners

Versus

1. President, Industrial Court, Chhattisgarh, Raipur.
2. Presiding Officer, Labour Court, Durg.
3. Bhaskar Harpal, S/o Senapati, 9/15/6, Bhilainagar, Distt. Durg.
4. Limsai, S/o Shri Jhuria, X/45/42, Bhilainagar, Durg.
5. Narayan Prasad Sahu, S/o Nobukram, Ex-groundsman, Sports Department, Welfare Deptt., Bhilai Steel Plant, Bhilai.

---- Respondents

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For Petitioners: Dr. N.K. Shukla, Senior Advocate with Mr. Vikram Sharma, Advocate.

For Respondents: None present.

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Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

06/08/2018

1. The respondents employees filed an application under Section 31(3) read with Section 61 and 64 of the M.P. Industrial Relations Act, 1960 (for short, 'the Act of 1960') seeking relief that they are entitled for declaration on the post of Ground-man and they be classified accordingly along with consequential benefits which was opposed by the petitioner Bhilai Steel Plant. The learned Labour Court clearly held that respondents No.3 to 5 are employees within the meaning of Section 2(13) of the Act of 1960 and they are entitled to be classified as regular Ground-man along with consequential salary which was

affirmed by the Industrial Court in appeal against which this writ petition has been filed.

2. Dr. N.K. Shukla, learned Senior Counsel appearing for the petitioners, would submit that the impugned order is unsustainable and bad in law, as respondents No.3 to 5 have failed to prove that they are employees within the meaning of Section 2(13) of the Act of 1960.
3. None present for respondents No.3 to 5.
4. I have heard learned counsel for the petitioners and went through the record with utmost circumspection.
5. The Labour Court has clearly recorded a finding that respondents No.3 to 5 come within the meaning of employee under Section 2(13) of the Act of 1960 and they were found to be working as Ground-men in Sport Department of Bhilai Steel Plant which has been affirmed by the Industrial Court. Concurrent findings recorded by the two courts below are based on material available on record. It is neither perverse nor contrary to record. I do not find any merit in the writ petition.
6. Next question is of back-wages. Full back-wages awarded by the Labour Court has been affirmed by the Industrial Court.
7. Following the law laid down in the matters of M/s. Hindustan Tin Works Pvt. Ltd. v. The Employees of M/s. Hindustan Tin Works Pvt. Ltd. and others<sup>1</sup> and M/s. Reetu Marbles v. Prabhakant Shukla<sup>2</sup> and considering the facts and circumstances of the case, I deem it appropriate to award only 50% back-wages to respondents No.3 to 5 in the facts and circumstances of the case.
8. Therefore, in the light of the aforesaid decisions of the Supreme Court, back-wages awarded to respondents No.3 to 5 is modified to 50%.

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1 (1979) 2 SCC 80

2 (2010) 2 SCC 70

9. The writ petition is partly allowed only to the extent indicated herein-  
above. No order as to cost(s).

Sd/-  
(Sanjay K. Agrawal)  
Judge

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