

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition No.3906 of 2003

(Arising out of order dated 22-9-2003 in Appeal Nos.614/M.P.I.R. Act/96 and 621/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, State Industrial Court, Chhattisgarh, Raipur.

2. Presiding Officer, Labour Court, Durg.

3. Limsai Harpal, S/o Surya Harpal, Rajiv Gandhi Nagar, Ward No.45, Raipur Naka, Durg.

4. Narayan Prasad, S/o Shri Lubuk Ram, C/o N.K. Raman, Advocate, 25/12, Nehru nagar, Bhilai.

---- Respondents

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

For Respondents: None present.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

10/07/2018

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 their termination is bad and they be reinstated along with back-wages which was opposed by the petitioner Bhilai Steel Plant. The learned Labour Court clearly held that respondents No.3 and 4 are employee within the meaning of Section 2(13) of the Act of 1960 and directed for reinstatement along with 50% back-wages 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 and 4 have failed to prove that they are employee within the meaning of Section 2(13) of the Act of 1960.
3. None present for respondents No.3 and 4.
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 and 4 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. Back-wages to the extent of 50% awarded by the Labour Court has been affirmed by the Industrial Court. Award of 50% of back-wages to respondents No.3 and 4 is in consonance with the decision of the Supreme Court in the matters of M/s. Hindustan Tin Works Pvt. Ltd. v. The Employees of M/s. Hindustan Tin Works Pvt. Ltd. and others¹ and M/s. Reetu Marbles v. Prabhakant Shukla², which need not be interfered with by this Court.

1 (1979) 2 SCC 80

2 (2010) 2 SCC 70

7. The writ petition is accordingly dismissed. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

Soma