

HIGH COURT OF CHHATTISGARH, BILASPUR
WP No.3382 of 2004

Steel Authority of India Limited, Through : Managing Director,
 Bhilai Steel Plant, Bhilai

---- Petitioner

Versus

1. Smt. Pushpa Thakre Qr.No.6E, Steet Avenue-C, Sector-6,
 Bhilai Nagar, Distt.Durg (CG)
2. Industrial Court Chhattisgarh, Raipur
3. Labour Court, Durg.

---- Respondents

For Petitioner	:	Mr.P.R.Patankar, Advocate
For Respondent No.1	:	Mr.Sudeep Johri, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

2/1/2018

1. Shri N.B.Thakre (original employee who died during pendency of the appeal) made an application under Section 31(3) of the Chhattisgarh Industrial Relations Act, 1960 for change of his date of birth. He pleaded that his date of birth is 12.10.1934 whereas it has been recorded as 12.10.1932 in official records. The Labour Court after appreciating oral and documentary evidence available on record came to the conclusion that his date of birth is 12.10.1934. That order has been affirmed by the Industrial Court in appeal preferred by the petitioner herein. Against that order, this writ petition has been filed.
2. Mr.P.R.Patankar, learned counsel appearing for the petitioner, would submit that concurrent finding recorded by two Courts

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below holding the date of birth of Shri N.B. Thakre to be 12.10.1934 is perverse and contrary to the records. He would rely upon the judgment of the Supreme Court in the matter of **Burn Standard Co. Ltd. and others Vs. Dinabandhu Majumdar and another**¹ and judgments of this Court in the matters of **Managing Director, Bhilai Steel Plant and another Vs. Motiram and others** (Writ Appeal No.9 of 2010), decided on 24.2.2011, **Jhalaram Kannaaje Vs. State of C.G. & Others**² and **Smt.Sudarshana Sharma & Another Vs. Steel Authority of India Ltd. & another**³.

3. On the other hand, Mr.Sudeep Johri, learned counsel for respondent No.1, would support the impugned order.
4. I have heard learned counsel appearing for the parties, considered their rival submissions made hereinabove and also gone through the records with utmost circumspection.
5. The Labour Court relying upon the documents Ex.P/7 and Ex.P/19 Gazette of State of Maharashtra came to the conclusion that date of birth of Shri N.B.Thakre is 12.10.1934, which has been affirmed by the Industrial Court. The finding recorded by the Labour Court holding the date of birth of Shri N.B.Thakre to be 12.10.1934 is based on evidence available on record. There is overwhelming evidence available on record to hold that his date of birth is 12.10.1934, which has rightly been affirmed by the Industrial

1 AIR 1995 SC 1499

2 2007(3) C.G.L.J. 396

3 2015(5) C.G.L.J. 474

Court. The Judgments (supra) relied upon by the petitioner are clearly distinguishable to the facts of the present case and in view of finding recorded hereinabove.

- 6.** I do not find any illegality or infirmity or perversity in the impugned order warranting interference by this Court. Accordingly, the writ petition deserves to be and is hereby dismissed. No cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge

B/-