

AFR

HIGH COURT OF CHHATTISGARH, BILASPUR
WA No. 212 of 2018

(Arising out of common order dated 05/12/2017 passed in 6140 of 2017 and connections by the learned Single Judge)

- Jeevan Nishad S/o Jagnandan Nishad, Aged About 71 Years, R/o Ward No. 12, H. N. 154, Durga Chowk, ACC Colony, Jamul, Tahsil And District- Durg, Chhattisgarh.

---- Appellant

Versus

1. The State of Chhattisgarh Through Labour Secretary, And Labour Commissioner, Raipur, District- Raipur, Chhattisgarh.
2. President, State Industrial Court of Chhattisgarh, At Raipur, Mahanadi Khand, Near D. K. S. Bhawan, Raipur, District- Raipur, Chhattisgarh.,
3. Pragatisheel Cement Shramik Sangh, Labour Camp, Jamul, Bhilai District- Durg, Chhattisgarh.
4. General Manager (Now Vice President), The Associated Cement Companies Limited, Registered Under Indian Companies Act With The Registrar of Companies Bombay, Registered Office At Cement House 121, Maharshi Karve Road, Mumbai-20 Carrying On Manufacture Of Cement In The Name of Jamul Cement Works At Jamul, Tahsil And District- Durg, Chhattisgarh. Through It's Vice President I. M. Sharma.

---- Respondents

WA No. 274 of 2018

- Kolachina Shankar Rao S/o Kolachina Subba Rao, Aged About 48 Years R/o Ward No. 13, Lavkush Nagar, ACC Jamul, Jamul Cement Works, Durg, District Durg Chhattisgarh.

---- Appellant

Versus

1. The State of Chhattisgarh Through Labour Secretary, And Labour Commissioner, Raipur, District- Raipur, Chhattisgarh.
2. President, State Industrial Court of Chhattisgarh, At Raipur, Mahanadi Khand, Near D. K. S. Bhawan, Raipur, District- Raipur, Chhattisgarh.,
3. Pragatisheel Cement Shramik Sangh, Labour Camp, Jamul, Bhilai District- Durg, Chhattisgarh.
4. General Manager (Now Vice President), The Associated Cement Companies Limited, Registered Under Indian Companies Act With The Registrar of Companies Bombay, Registered Office At Cement House 121, Maharshi Karve Road, Mumbai-20 Carrying On Manufacture Of Cement In

The Name of Jamul Cement Works At Jamul, Tahsil And District- Durg, Chhattisgarh. Through It's Vice President I. M. Sharma.

---- Respondents

WA No. 282 of 2018

- Balram Chouhan S/o Ramdayal Aged About 84 Years R/o Bhagwat Chowk, Lever Kemp, Ward No. 8, Jamul, Jamul Cement Works, Durg, District Durg, Chhattisgarh.

---- Appellant

Versus

1. The State of Chhattisgarh Through Labour Secretary, And Labour Commissioner, Raipur, District- Raipur, Chhattisgarh.
2. President, State Industrial Court of Chhattisgarh, At Raipur, Mahanadi Khand, Near D. K. S. Bhawan, Raipur, District- Raipur, Chhattisgarh.,
3. Pragatisheel Cement Shramik Sangh, Labour Camp, Jamul, Bhilai District- Durg, Chhattisgarh.
4. General Manager (Now Vice President), The Associated Cement Companies Limited, Registered Under Indian Companies Act With The Registrar of Companies Bombay, Registered Office At Cement House 121, Maharshi Karve Road, Mumbai-20 Carrying On Manufacture Of Cement In The Name of Jamul Cement Works At Jamul, Tahsil And District- Durg, Chhattisgarh. Through It's Vice President I. M. Sharma.

---- Respondents

WA No. 284 of 2018

- Jagdish Sahu S/o Khorbahara Sahu, Aged About 53 Years R/o 239/2, Ward No. 12, ACC Colony, Jamul, Jamul Cement Works, District Durg Chhattisgarh.

---- Appellant

Versus

1. The State of Chhattisgarh Through Labour Secretary, And Labour Commissioner, Raipur, District- Raipur, Chhattisgarh.
2. President, State Industrial Court of Chhattisgarh, At Raipur, Mahanadi Khand, Near D. K. S. Bhawan, Raipur, District- Raipur, Chhattisgarh.,
3. Pragatisheel Cement Shramik Sangh, Labour Camp, Jamul, Bhilai District- Durg, Chhattisgarh.
4. General Manager (Now Vice President), The Associated Cement Companies Limited, Registered Under Indian Companies Act With The Registrar of Companies Bombay, Registered Office At Cement House 121,

Maharshi Karve Road, Mumbai-20 Carrying On Manufacture Of Cement In The Name of Jamul Cement Works At Jamul, Tahsil And District- Durg, Chhattisgarh. Through It's Vice President I. M. Sharma.

---- Respondents

WA No. 294 of 2018

- Shrawan Satramwar S/o Vishwanath Satramwar Aged About 57 Years R/o H. No. CH 1044/45, Dhancha Bhavan, Kurud, Bhilai, Jamul Cement Works, Durg District Durg Chhattisgarh.

---- Appellant

Versus

1. The State of Chhattisgarh Through Labour Secretary, And Labour Commissioner, Raipur, District- Raipur, Chhattisgarh.
2. President, State Industrial Court of Chhattisgarh, At Raipur, Mahanadi Khand, Near D. K. S. Bhawan, Raipur, District- Raipur, Chhattisgarh.,
3. Pragatisheel Cement Shramik Sangh, Labour Camp, Jamul, Bhilai District- Durg, Chhattisgarh.
4. General Manager (Now Vice President), The Associated Cement Companies Limited, Registered Under Indian Companies Act With The Registrar of Companies Bombay, Registered Office At Cement House 121, Maharshi Karve Road, Mumbai-20 Carrying On Manufacture Of Cement In The Name of Jamul Cement Works At Jamul, Tahsil And District- Durg, Chhattisgarh. Through It's Vice President I. M. Sharma.

---- Respondents

WA No. 297 of 2018

- Madan Yadav S/o Lakhan Yadav, Aged About 56 Years R/o Ward No. 16, Aajad Chowk, ACC Jamul, Jamul Cement Works, Durg, District Durg Chhattisgarh.

---- Appellant

Versus

1. The State of Chhattisgarh Through Labour Secretary, And Labour Commissioner, Raipur, District- Raipur, Chhattisgarh.
2. President, State Industrial Court of Chhattisgarh, At Raipur, Mahanadi Khand, Near D. K. S. Bhawan, Raipur, District- Raipur, Chhattisgarh.,
3. Pragatisheel Cement Shramik Sangh, Labour Camp, Jamul, Bhilai District- Durg, Chhattisgarh.
4. General Manager (Now Vice President), The Associated Cement Companies Limited, Registered Under Indian Companies Act With The

Registrar of Companies Bombay, Registered Office At Cement House 121, Maharshi Karve Road, Mumbai-20 Carrying On Manufacture Of Cement In The Name of Jamul Cement Works At Jamul, Tahsil And District- Durg, Chhattisgarh. Through It's Vice President I. M. Sharma.

---- Respondents

WA No. 301 of 2018

- Panchram Sahu S/o Purushottam Sahu Aged About 53 Years R/o Durga Chowk Labour Camp , Ward No. 8 Jamul , Jumul Cement Works , Tahsil And District Durg Chhattisgarh.

---- Appellant

Versus

1. The State of Chhattisgarh Through Labour Secretary, And Labour Commissioner, Raipur, District- Raipur, Chhattisgarh.
2. President, State Industrial Court of Chhattisgarh, At Raipur, Mahanadi Khand, Near D. K. S. Bhawan, Raipur, District- Raipur, Chhattisgarh.,
3. Pragatisheel Cement Shramik Sangh, Labour Camp, Jamul, Bhilai District- Durg, Chhattisgarh.
4. General Manager (Now Vice President), The Associated Cement Companies Limited, Registered Under Indian Companies Act With The Registrar of Companies Bombay, Registered Office At Cement House 121, Maharshi Karve Road, Mumbai-20 Carrying On Manufacture Of Cement In The Name of Jamul Cement Works At Jamul, Tahsil And District- Durg, Chhattisgarh. Through It's Vice President I. M. Sharma.

---- Respondents

WA No. 316 of 2018

- Akaturam Sahu S/o Kherha Sahu, Aged About 67 Years R/o Ganesh Nagar, Jamul, Ward No. 5, Birebhat, Jamul Cement Works, Distt. Durg, Chhattisgarh.

---- Appellant

Versus

1. The State of Chhattisgarh Through Labour Secretary, And Labour Commissioner, Raipur, District- Raipur, Chhattisgarh.
2. President, State Industrial Court of Chhattisgarh, At Raipur, Mahanadi Khand, Near D. K. S. Bhawan, Raipur, District- Raipur, Chhattisgarh.,
3. Pragatisheel Cement Shramik Sangh, Labour Camp, Jamul, Bhilai District- Durg, Chhattisgarh.

4. General Manager (Now Vice President), The Associated Cement Companies Limited, Registered Under Indian Companies Act With The Registrar of Companies Bombay, Registered Office At Cement House 121, Maharshi Karve Road, Mumbai-20 Carrying On Manufacture Of Cement In The Name of Jamul Cement Works At Jamul, Tahsil And District- Durg, Chhattisgarh. Through It's Vice President I. M. Sharma.

---- Respondents

WA No. 322 of 2018

- Dharamin Bai Rana W/o Bisnath Rana, Aged About 63 Years R/o House No. 16, Ward No. 07, Sambalpur, Gidarri, Rajnandgaon, District Rajnandgaon, Chhattisgarh.

---- Appellant

Versus

1. The State of Chhattisgarh Through Labour Secretary, And Labour Commissioner, Raipur, District- Raipur, Chhattisgarh.
2. President, State Industrial Court of Chhattisgarh, At Raipur, Mahanadi Khand, Near D. K. S. Bhawan, Raipur, District- Raipur, Chhattisgarh.,
3. Pragatisheel Cement Shramik Sangh, Labour Camp, Jamul, Bhilai District- Durg, Chhattisgarh.
4. General Manager (Now Vice President), The Associated Cement Companies Limited, Registered Under Indian Companies Act With The Registrar of Companies Bombay, Registered Office At Cement House 121, Maharshi Karve Road, Mumbai-20 Carrying On Manufacture Of Cement In The Name of Jamul Cement Works At Jamul, Tahsil And District- Durg, Chhattisgarh. Through It's Vice President I. M. Sharma.

---- Respondents

WA No. 325 of 2018

- Gita Bai Yadav W/o Late Kunjlal Yadav, Aged About 58 Years R/o House No. 08, Ward No. 44, Mohad Mohara, Rajnandgaon, District Rajnandgaon Chhattisgarh.

---- Appellant

Versus

1. The State of Chhattisgarh Through Labour Secretary, And Labour Commissioner, Raipur, District- Raipur, Chhattisgarh.
2. President, State Industrial Court of Chhattisgarh, At Raipur, Mahanadi Khand, Near D. K. S. Bhawan, Raipur, District- Raipur, Chhattisgarh.,
3. Pragatisheel Cement Shramik Sangh, Labour Camp, Jamul, Bhilai District- Durg, Chhattisgarh.

4. General Manager (Now Vice President), The Associated Cement Companies Limited, Registered Under Indian Companies Act With The Registrar of Companies Bombay, Registered Office At Cement House 121, Maharshi Karve Road, Mumbai-20 Carrying On Manufacture Of Cement In The Name of Jamul Cement Works At Jamul, Tahsil And District- Durg, Chhattisgarh. Through It's Vice President I. M. Sharma.

---- Respondents

WA No. 343 of 2018

- Sukhram Thakur S/o Kartik Ram Thakur Aged About 54 Years R/o Bhagwat Chowk, Ward No. 8, Jamul Cement Works, Jamul, Tahsil And District- Durg, Chhattisgarh.

---- Appellant

Versus

1. The State of Chhattisgarh Through Labour Secretary, And Labour Commissioner, Raipur, District- Raipur, Chhattisgarh.
2. President, State Industrial Court of Chhattisgarh, At Raipur, Mahanadi Khand, Near D. K. S. Bhawan, Raipur, District- Raipur, Chhattisgarh.,
3. Pragatisheel Cement Shramik Sangh, Labour Camp, Jamul, Bhilai District- Durg, Chhattisgarh.
4. General Manager (Now Vice President), The Associated Cement Companies Limited, Registered Under Indian Companies Act With The Registrar of Companies Bombay, Registered Office At Cement House 121, Maharshi Karve Road, Mumbai-20 Carrying On Manufacture Of Cement In The Name of Jamul Cement Works At Jamul, Tahsil And District- Durg, Chhattisgarh. Through It's Vice President I. M. Sharma.

---- Respondents

WA No. 348 of 2018

- Suklu Gond S/o Dhansingh Gond, Aged About 80 Years R/o House No. 82, Dhekapur, District Bemetara Chhattisgarh.

---- Appellant

Versus

1. The State of Chhattisgarh Through Labour Secretary, And Labour Commissioner, Raipur, District- Raipur, Chhattisgarh.
2. President, State Industrial Court of Chhattisgarh, At Raipur, Mahanadi Khand, Near D. K. S. Bhawan, Raipur, District- Raipur, Chhattisgarh.,
3. Pragatisheel Cement Shramik Sangh, Labour Camp, Jamul, Bhilai District- Durg, Chhattisgarh.

4. General Manager (Now Vice President), The Associated Cement Companies Limited, Registered Under Indian Companies Act With The Registrar of Companies Bombay, Registered Office At Cement House 121, Maharshi Karve Road, Mumbai-20 Carrying On Manufacture Of Cement In The Name of Jamul Cement Works At Jamul, Tahsil And District- Durg, Chhattisgarh. Through It's Vice President I. M. Sharma.

---- Respondents

WA No. 362 of 2018

- Seeta Bai W/o Bansi Ram, Aged About 68 Years R/o House No. 123, Ward No. 13, Sambalpur, Gidarri, Rajnandgaon Chhuriya District Rajnandgaon Chhattisgarh.

---- Appellant

Versus

1. The State of Chhattisgarh Through Labour Secretary, And Labour Commissioner, Raipur, District- Raipur, Chhattisgarh.
2. President, State Industrial Court of Chhattisgarh, At Raipur, Mahanadi Khand, Near D. K. S. Bhawan, Raipur, District- Raipur, Chhattisgarh.,
3. Pragatisheel Cement Shramik Sangh, Labour Camp, Jamul, Bhilai District- Durg, Chhattisgarh.
4. General Manager (Now Vice President), The Associated Cement Companies Limited, Registered Under Indian Companies Act With The Registrar of Companies Bombay, Registered Office At Cement House 121, Maharshi Karve Road, Mumbai-20 Carrying On Manufacture Of Cement In The Name of Jamul Cement Works At Jamul, Tahsil And District- Durg, Chhattisgarh. Through It's Vice President I. M. Sharma.

---- Respondents

WA No. 392 of 2018

- Asthir Nirmalkar S/o Baldu Ram, Aged About 67 Years, R/o Ward No. 8, Behind Ram Mandir, ACC Jamul, Jamul Cement Works, District Durg Chhattisgarh.

---- Appellant

Versus

1. The State of Chhattisgarh Through Labour Secretary, And Labour Commissioner, Raipur, District- Raipur, Chhattisgarh.
2. President, State Industrial Court of Chhattisgarh, At Raipur, Mahanadi Khand, Near D. K. S. Bhawan, Raipur, District- Raipur, Chhattisgarh.,
3. Pragatisheel Cement Shramik Sangh, Labour Camp, Jamul, Bhilai District- Durg, Chhattisgarh.

4. General Manager (Now Vice President), The Associated Cement Companies Limited, Registered Under Indian Companies Act With The Registrar of Companies Bombay, Registered Office At Cement House 121, Maharshi Karve Road, Mumbai-20 Carrying On Manufacture Of Cement In The Name of Jamul Cement Works At Jamul, Tahsil And District- Durg, Chhattisgarh. Through It's Vice President I. M. Sharma.

---- Respondents

WA No. 408 of 2018

- Brijlal Nishad S/o Barsan Nishad Aged About 55 Years, R/o Ward No. 2, Surdugakalordih, Bhilai- Charoda, Post Surdugn, Bhilai, Durg, District- Durg, Chhattisgarh.

---- Appellant

Versus

1. The State of Chhattisgarh Through Labour Secretary, And Labour Commissioner, Raipur, District- Raipur, Chhattisgarh.
2. President, State Industrial Court of Chhattisgarh, At Raipur, Mahanadi Khand, Near D. K. S. Bhawan, Raipur, District- Raipur, Chhattisgarh.,
3. Pragatisheel Cement Shramik Sangh, Labour Camp, Jamul, Bhilai District- Durg, Chhattisgarh.
4. General Manager (Now Vice President), The Associated Cement Companies Limited, Registered Under Indian Companies Act With The Registrar of Companies Bombay, Registered Office At Cement House 121, Maharshi Karve Road, Mumbai-20 Carrying On Manufacture Of Cement In The Name of Jamul Cement Works At Jamul, Tahsil And District- Durg, Chhattisgarh. Through It's Vice President I. M. Sharma.

---- Respondents

WA No. 418 of 2018

- Dhiraji Nirmalkar S/o Sukalu Ram Nirmalkar Aged About 62 Years R/o Bajrang Para , Ward No. 6 Jamul Tahsil and District Durg Chhattisgarh.

---- Appellant

Versus

1. The State of Chhattisgarh Through Labour Secretary, And Labour Commissioner, Raipur, District- Raipur, Chhattisgarh.
2. President, State Industrial Court of Chhattisgarh, At Raipur, Mahanadi Khand, Near D. K. S. Bhawan, Raipur, District- Raipur, Chhattisgarh.,
3. Pragatisheel Cement Shramik Sangh, Labour Camp, Jamul, Bhilai District- Durg, Chhattisgarh.
4. General Manager (Now Vice President), The Associated Cement Companies Limited, Registered Under Indian Companies Act With The Registrar of Companies Bombay, Registered Office At Cement House 121,

Maharshi Karve Road, Mumbai-20 Carrying On Manufacture Of Cement In The Name of Jamul Cement Works At Jamul, Tahsil And District- Durg, Chhattisgarh. Through It's Vice President I. M. Sharma.

---- Respondents

WA No. 422 of 2018

- Ramnath S/o Asharam Aged About 67 Years R/o Mohdi, Nardha , District Durg Chhattisgarh.

---- Appellant

Versus

1. The State of Chhattisgarh Through Labour Secretary, And Labour Commissioner, Raipur, District- Raipur, Chhattisgarh.
2. President, State Industrial Court of Chhattisgarh, At Raipur, Mahanadi Khand, Near D. K. S. Bhawan, Raipur, District- Raipur, Chhattisgarh.,
3. Pragatisheel Cement Shramik Sangh, Labour Camp, Jamul, Bhilai District- Durg, Chhattisgarh.
4. General Manager (Now Vice President), The Associated Cement Companies Limited, Registered Under Indian Companies Act With The Registrar of Companies Bombay, Registered Office At Cement House 121, Maharshi Karve Road, Mumbai-20 Carrying On Manufacture Of Cement In The Name of Jamul Cement Works At Jamul, Tahsil And District- Durg, Chhattisgarh. Through It's Vice President I. M. Sharma.

---- Respondents

WA No. 423 of 2018

- Mohnan Nair S/o Narayan Nair Aged About 59 Years H. No. 70 , Ward No. 1 , Dhanoura , Tahsil and District Durg, Chhattisgarh.

---- Appellant

Versus

1. The State of Chhattisgarh Through Labour Secretary, And Labour Commissioner, Raipur, District- Raipur, Chhattisgarh.
2. President, State Industrial Court of Chhattisgarh, At Raipur, Mahanadi Khand, Near D. K. S. Bhawan, Raipur, District- Raipur, Chhattisgarh.,
3. Pragatisheel Cement Shramik Sangh, Labour Camp, Jamul, Bhilai District- Durg, Chhattisgarh.
4. General Manager (Now Vice President), The Associated Cement Companies Limited, Registered Under Indian Companies Act With The Registrar of Companies Bombay, Registered Office At Cement House 121,

Maharshi Karve Road, Mumbai-20 Carrying On Manufacture Of Cement In The Name of Jamul Cement Works At Jamul, Tahsil And District- Durg, Chhattisgarh. Through It's Vice President I. M. Sharma.

---- Respondents

WA No. 429 of 2018

- Bisesar Dhobi S/o Budharam Dhobi, Aged About 42 Years R/o Hadgaon, Deorbeeja Berla, Bemetara, District Bemetara Chhattisgarh.

---- Appellant

Versus

1. The State of Chhattisgarh Through Labour Secretary, And Labour Commissioner, Raipur, District- Raipur, Chhattisgarh.
2. President, State Industrial Court of Chhattisgarh, At Raipur, Mahanadi Khand, Near D. K. S. Bhawan, Raipur, District- Raipur, Chhattisgarh.,
3. Pragatisheel Cement Shramik Sangh, Labour Camp, Jamul, Bhilai District- Durg, Chhattisgarh.
4. General Manager (Now Vice President), The Associated Cement Companies Limited, Registered Under Indian Companies Act With The Registrar of Companies Bombay, Registered Office At Cement House 121, Maharshi Karve Road, Mumbai-20 Carrying On Manufacture Of Cement In The Name of Jamul Cement Works At Jamul, Tahsil And District- Durg, Chhattisgarh. Through It's Vice President I. M. Sharma.

---- Respondents

WA No. 438 of 2018

- Pankaj Gupta S/o Paras Nath Gupta Aged About 24 Years R/o 153, Paras Kirana Stores , Santoshi Par , Camp - 02, Bhilai Tahsil And District Durg Chhattisgarh.

---- Appellant

Versus

1. The State of Chhattisgarh Through Labour Secretary, And Labour Commissioner, Raipur, District- Raipur, Chhattisgarh.
2. President, State Industrial Court of Chhattisgarh, At Raipur, Mahanadi Khand, Near D. K. S. Bhawan, Raipur, District- Raipur, Chhattisgarh.,
3. Pragatisheel Cement Shramik Sangh, Labour Camp, Jamul, Bhilai District- Durg, Chhattisgarh.

4. General Manager (Now Vice President), The Associated Cement Companies Limited, Registered Under Indian Companies Act With The Registrar of Companies Bombay, Registered Office At Cement House 121, Maharshi Karve Road, Mumbai-20 Carrying On Manufacture Of Cement In The Name of Jamul Cement Works At Jamul, Tahsil And District- Durg, Chhattisgarh. Through It's Vice President I. M. Sharma.

---- Respondents

WA No. 439 of 2018

- Duje Yadav S/o Pardeshi Yadav Aged About 39 Years R/o Ward No. 5, Ganesh Nagar, Jamul, Jamul Cement Works District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Appellant

Versus

1. The State of Chhattisgarh Through Labour Secretary, And Labour Commissioner, Raipur, District- Raipur, Chhattisgarh.
2. President, State Industrial Court of Chhattisgarh, At Raipur, Mahanadi Khand, Near D. K. S. Bhawan, Raipur, District- Raipur, Chhattisgarh.,
3. Pragatisheel Cement Shramik Sangh, Labour Camp, Jamul, Bhilai District- Durg, Chhattisgarh.
4. General Manager (Now Vice President), The Associated Cement Companies Limited, Registered Under Indian Companies Act With The Registrar of Companies Bombay, Registered Office At Cement House 121, Maharshi Karve Road, Mumbai-20 Carrying On Manufacture Of Cement In The Name of Jamul Cement Works At Jamul, Tahsil And District- Durg, Chhattisgarh. Through It's Vice President I. M. Sharma.

---- Respondents

WA No. 440 of 2018

- Bediya W/o Late Shukhdev, Aged About 50 Years R/o Ganesh Chowk, Ward No. 12, Labour Camp, Jamul, Jamul Cement Works, District Durg Chhattisgarh (Name Wrongly Mentioned In Annexure A/1).

---- Appellant

Versus

1. The State of Chhattisgarh Through Labour Secretary, And Labour Commissioner, Raipur, District- Raipur, Chhattisgarh.
2. President, State Industrial Court of Chhattisgarh, At Raipur, Mahanadi Khand, Near D. K. S. Bhawan, Raipur, District- Raipur, Chhattisgarh.,

3. Pragatisheel Cement Shramik Sangh, Labour Camp, Jamul, Bhilai District-Durg, Chhattisgarh.
4. General Manager (Now Vice President), The Associated Cement Companies Limited, Registered Under Indian Companies Act With The Registrar of Companies Bombay, Registered Office At Cement House 121, Maharshi Karve Road, Mumbai-20 Carrying On Manufacture Of Cement In The Name of Jamul Cement Works At Jamul, Tahsil And District- Durg, Chhattisgarh. Through It's Vice President I. M. Sharma.

---- Respondents

WA No. 441 of 2018

- P. Chinnaya S/o P. Appa Rao Aged About 58 Years R/o Ward No. 14, Rajiv Nagar, Jamul Cement Works, Jamul, Tahsil And District Durg Chhattisgarh.

---- Appellant

Versus

1. The State of Chhattisgarh Through Labour Secretary, And Labour Commissioner, Raipur, District- Raipur, Chhattisgarh.
2. President, State Industrial Court of Chhattisgarh, At Raipur, Mahanadi Khand, Near D. K. S. Bhawan, Raipur, District- Raipur, Chhattisgarh.,
3. Pragatisheel Cement Shramik Sangh, Labour Camp, Jamul, Bhilai District-Durg, Chhattisgarh.
4. General Manager (Now Vice President), The Associated Cement Companies Limited, Registered Under Indian Companies Act With The Registrar of Companies Bombay, Registered Office At Cement House 121, Maharshi Karve Road, Mumbai-20 Carrying On Manufacture Of Cement In The Name of Jamul Cement Works At Jamul, Tahsil And District- Durg, Chhattisgarh. Through It's Vice President I. M. Sharma.

---- Respondents

WA No. 444 of 2018

- Paras Ram Sahu S/o Shriram Sahu, Aged About 57 Years R/o Labour Camp, Bhagwat Chowk, Ward No. 8, Jamul, Tahsil And District Durg Chhattisgarh.

---- Appellant

Versus

1. The State of Chhattisgarh Through Labour Secretary, And Labour Commissioner, Raipur, District- Raipur, Chhattisgarh.
2. President, State Industrial Court of Chhattisgarh, At Raipur, Mahanadi

Khand, Near D. K. S. Bhawan, Raipur, District- Raipur, Chhattisgarh.,

3. Pragatisheel Cement Shramik Sangh, Labour Camp, Jamul, Bhilai District- Durg, Chhattisgarh.
4. General Manager (Now Vice President), The Associated Cement Companies Limited, Registered Under Indian Companies Act With The Registrar of Companies Bombay, Registered Office At Cement House 121, Maharshi Karve Road, Mumbai-20 Carrying On Manufacture Of Cement In The Name of Jamul Cement Works At Jamul, Tahsil And District- Durg, Chhattisgarh. Through It's Vice President I. M. Sharma.

---- Respondents

WA No. 445 of 2018

- T. Shrinivas Raddy S/o T. Chinnababu, Aged About 40 Years R/o Govri Shankar Sound Service, Shiva Line, New Ganesh Mandir- Balaji Mandir, Khursipar, Zone-2, Bhilai, District Durg Chhattisgarh.

---- Appellant

Versus

1. The State of Chhattisgarh Through Labour Secretary, And Labour Commissioner, Raipur, District- Raipur, Chhattisgarh.
2. President, State Industrial Court of Chhattisgarh, At Raipur, Mahanadi Khand, Near D. K. S. Bhawan, Raipur, District- Raipur, Chhattisgarh.,
3. Pragatisheel Cement Shramik Sangh, Labour Camp, Jamul, Bhilai District- Durg, Chhattisgarh.
4. General Manager (Now Vice President), The Associated Cement Companies Limited, Registered Under Indian Companies Act With The Registrar of Companies Bombay, Registered Office At Cement House 121, Maharshi Karve Road, Mumbai-20 Carrying On Manufacture Of Cement In The Name of Jamul Cement Works At Jamul, Tahsil And District- Durg, Chhattisgarh. Through It's Vice President I. M. Sharma.

---- Respondents

For Appellant	: Shri Punit Ruparel, Advocate
For State	: Shri Y.S. Thakur, Additional Advocate General

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice

Hon'ble Shri Sharad Kumar Gupta, Judge

Judgment On Board

Per Thottathil B. Radhakrishnan, Chief Justice

02/05/2018

1. These writ appeals arise from a bunch of writ petitions filed by different individuals who claim the benefit of an Award dated 20/02/2006 passed by the Industrial Court, Raipur in Reference No. 6/MPIR/2000 as modified by the order of this Court issued on 22/03/2011 in W.P.No.1659/2006.
2. Apart from the learned counsel for the appellants and the learned Additional Advocate General for the State, we have obtained able assistance of Advocates Shri P.K. Moitra and Shri Vinod Deshmukh, both of whom assisted by making reference to the Industrial Disputes Act, 1947 (hereinafter referred to, 'ID Act') as well as the Madhya Pradesh Industrial Relations Act, 1960 (hereinafter referred to as a 'State Act').
3. The Award dated 20/02/2006 was issued directing the Management – the Associated Cement Companies Limited - to regularize with all the benefits, all workers as per list attached to the Award and pay all monetary and other benefits of regular employees w.e.f. 20/06/2000 and take further action as stated in that Award.
4. This Court, through the order in W.P. No. 1659/2006, sustained that Award only in respect of the workers whose membership slips were submitted before the Tribunal, excluding therefrom the category of workers who had accepted VRS, died, resigned, regularized and withdrew their cases, as detailed in the order issued by this Court in W.P. No. 1659/2006. The payments which were already made in compliance of the interim order dated 22/01/2010 in that writ petition till the date of the final order dated 22/03/2011 was ordered as not recoverable.
5. Awards of the Industrial Courts or the Industrial Tribunals are essentially in the realm of action taken under labour legislations which stand with the constitutional vision of socio economic empowerment of citizens in different

strata particularly those belonging to the labour class. Awards come in that sector as part of collective effort on behalf of the labourer or workers. This is traditionally piloted by the Trade Unions. Individual disputes are also entertained as industrial disputes. Whatever be the process or procedure through which such Awards come into being, it is never in the contemplation of the Constitution and the Laws that those Awards should remain as mere paper declarations of the eligibilities of the workmen. They are entitled to, and should be able to, enjoy the fruits of that Award. The situation relating to execution of Awards is not much different from decrees of civil courts which also, many a times, take years to be executed and enforced. We make this observation in view of the fact that many of the appellants in these Writ Appeals before us are senior citizens, going by the legitimate yardsticks fixed in the socio economic management regime of this Nation through the executive as well as through different legislations. The different Schemes of the National Legal Services Authority are also pointers to the fact that the elderly citizens who are referred to with the sweet caption 'senior citizens' deserve to be given a strong hand of support by the different limbs of governance so that they get the benefit of all due socio-economic support. Awards of Labour Courts cannot be left without being enforced. That will lead to the beneficiaries suffering, even if the Trade Unions wash their hands off after the Awards are passed. Individuals who have rights or eligibilities or entitlements under the Awards are entitled to invoke the different provisions of ID Act or the State Act, as the case may be.

6. In the light of the fact that Awards can be enforced through the statutory authorities, the learned Single Judge has refused to come to the aid of the appellants in writ jurisdiction except to the extent of saying that the petitioners could take steps for execution of the Award noted above. Such view was taken in relation to the very same Management and the very same Award which we have referred to earlier. The first in line of the orders in that

line was rendered on 17/01/2017 in *Ghanaram Verma vs. State of Chhattisgarh and others*, W.P.(S) No.6107/2017. That was followed in *Prem Singh Sahu vs. State of Chhattisgarh and others*. That order was affirmed by the Division Bench in W.A.No. 98 of 2018 as per order dated 19/02/2018.

7. The bunch of Writ Appeals in hand have also to normally follow the aforesaid procedure as noted in the order dated 19/02/2018 in W.A.No. 98/2018 since that is what ought to happen in terms of judicial comity and institutional propriety.
8. But, the appellants ought to get their actual relief and enjoyment of the benefits of the Award within a humanly reasonable time. Lifespan scales are determined for various purposes. Lifespan does not necessarily mean the span of a litigation. It relates to the lifespan of a human being. The span of time through which a person discharges duties and responsibilities as a worker, labourer, employee or a senior official in any limb of governance, even in public sector or private sector companies, cannot always be equated with the lifespan of that person. Though seniority may be applied in different sectors, that rule need not necessarily apply to the span of life. These are highlighters to the fact that human values should trigger judicial function and executive function to ensure that the beneficiaries of judicial orders and *quasi* judicial orders, including Awards of Tribunals, are enforced within a reasonable time.
9. For the aforesaid reasons, while affirming the view of the learned Single Judge that the Writ Petitioners /appellants have to take recourse to due procedure for enforcement of the Award before the competent authority, in exercise of authority under Article 227 of the Constitution, it is hereby ordered that such Tribunal, Court or other authority which may be moved by any of the appellants or any other beneficiary of the Award dated 20/02/2006 passed by the Industrial Court, Raipur in Reference No.

6/MPIR/2000 shall do the needful and conclude on any such application within an outer limit of three months from the date of receipt of such application. The appellants are authorized to place copies of this order before the authorities concerned for their information.

10. Writ appeals are ordered accordingly.

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-

(Sharad Kumar Gupta)
Judge