

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (L) No.2108 of 2007

(Arising out of order dated 22-3-2005 of the learned State Industrial Court, Chhattisgarh, Raipur in Appeal No.244/M.P.I.R./97)

The Chhattisgarh Infrastructure Development Corporation, through its Divisional Manager, Bilaspur.

---- Petitioner

Versus

1. Mohd Hanif, S/o Shri Abdul Aziz, R/o Near Nagina Masjid, Pathan Mohalla, Chantidih, Bilaspur
2. M.P. Road Transport Corporation (old MPSRTC), Habeeb Ganj, Bhopal (M.P.)
3. Registrar, Industrial Court, Chhattisgarh, Raipur
4. Presiding Office, Labour Court, Bilaspur

---- Respondents

Writ Petition (L) No.2109 of 2007

(Arising out of order dated 16-12-2004 of the learned State Industrial Court, Chhattisgarh, Raipur in Appeal No.184/MPIR Act/96)

The Chhattisgarh Infrastructure Development Corporation, through its Divisional Manager, Bilaspur.

---- Petitioner

Versus

1. Shyam Babu Sahu, S/o Shri Chainsingh, R/o Rajendra Nagar, Bilaspur
2. M.P. Road Transport Corporation (old MPSRTC), Habeeb Ganj, Bhopal (M.P.)
3. Registrar, Industrial Court, Chhattisgarh, Raipur
4. Presiding Office, Labour Court, Bilaspur

---- Respondents

Writ Petition (L) No.2110 of 2007

(Arising out of order dated 19-11-2004 of the learned State Industrial Court, Chhattisgarh, Raipur in Appeal No.263/M.P.I.R./94)

The Chhattisgarh Infrastructure Development Corporation, through
its Divisional Manager, Bilaspur.

---- Petitioner

Versus

1. Abdul Mugni Qureshi, S/o Shri Abdul Gaffar, R/o H.No.27,
Amarpura, Distt. Ujjain (M.P.)
2. M.P. Road Transport Corporation (old MPSRTC), Habib Ganj,
Bhopal (M.P.)
3. Registrar, Industrial Court, Chhattisgarh, Raipur
4. Presiding Office, Labour Court, Bilaspur

---- Respondents

Writ Petition (L) No.2426 of 2007

(Arising out of order dated 22-3-2005 of the learned State Industrial
Court, Chhattisgarh, Raipur in Appeal No.178/MPIR Act/96)

The Chhattisgarh Infrastructure Development Corporation, through
its Divisional Manager, Bilaspur.

---- Petitioner

Versus

1. Ashok Kumar Gupta, C/o Nankuram Gupta, R/o Vill. & Post
Panasa, Khain Karchana, Distt. Allahabad (U.P.)
2. M.P. Road Transport Corporation (old MPSRTC), Habib Ganj,
Bhopal (M.P.)
3. Registrar, Industrial Court, Chhattisgarh, Raipur
4. Presiding Office, Labour Court, Bilaspur

---- Respondents

Writ Petition (L) No.2427 of 2007

(Arising out of order dated 16-12-2004 of the learned State Industrial
Court, Chhattisgarh, Raipur in Appeal No.218/M.P.I.R./96)

The Chhattisgarh Infrastructure Development Corporation, through
its Divisional Manager, Bilaspur.

---- Petitioner

Versus

1. Naresh Lal Sinha, S/o Sarjula Sinha, R/o Belghatti, Pathalgaon,

Distt. Raigarh

2. M.P. Road Transport Corporation (old MPSRTC), Habeeb Ganj, Bhopal (M.P.)
3. Registrar, Industrial Court, Chhattisgarh, Raipur
4. Presiding Office, Labour Court, Bilaspur

---- Respondents

Writ Petition (L) No.2462 of 2007

(Arising out of order dated 14-12-2004 of the learned State Industrial Court, Chhattisgarh, Raipur in Appeal No.288/M.P.I.R./96)

The Chhattisgarh Infrastructure Development Corporation, through its Divisional Manager, Bilaspur.

---- Petitioner

Versus

1. Madan Singh Rajput, S/o Not known, R/o Vill. Lohrikhurd, P.O. Geedha, Tah. Mungeli, Distt. Bilaspur
2. M.P. Road Transport Corporation (old MPSRTC), Habeeb Ganj, Bhopal (M.P.)
3. Registrar, Industrial Court, Chhattisgarh, Raipur
4. Presiding Office, Labour Court, Bilaspur

---- Respondents

AND

Writ Petition (L) No.2463 of 2007

(Arising out of order dated 16-12-2004 of the learned State Industrial Court, Chhattisgarh, Raipur in Appeal No.162/M.P.I.R./96)

The Chhattisgarh Infrastructure Development Corporation, through its Divisional Manager, Bilaspur.

---- Petitioner

Versus

1. Ramchandra Jaiswal, S/o Ajanram Jaiswal, C/o Babulal Jaiswal Atachhakki, Purana Hatri, Raigarh
2. M.P. Road Transport Corporation (old MPSRTC), Habeeb Ganj, Bhopal (M.P.)
3. Registrar, Industrial Court, Chhattisgarh, Raipur

4. Presiding Office, Labour Court, Bilaspur

---- Respondents

For Petitioner:	Mr. Ratan Pusty and Mr. Anup Majumdar, Advocates.
For Respondent No.1:	None present.
For Respondent No.2:	Mr. Sudeep Johri, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

26/03/2018

1. Since common question of law and fact is involved in all these connected writ petitions, therefore, they are tagged together and heard together and are being disposed of by this common order.
2. In this batch of writ petitions, petitioner Chhattisgarh Infrastructure Development Corporation (CIDC) calls in question the order of the Labour Court directing reinstatement along with back-wages affirmed by the Industrial Court as contained in the order.
3. Learned counsel appearing for the petitioner would submit that concurrent finding recorded by the two courts below directing reinstatement of workmen is bad in law. They would further submit that the question of liability has been fastened upon CIDC whereas, the CIDC was formed with effect from 31-12-2002, therefore, it will be liable only for the period thereafter, not prior to that and the company that will be liable is MPSRTC.
4. Learned counsel appearing for respondent No.2 would submit that concurrent finding by two courts below is based on the material available on record and therefore it is not liable to be interfered with and the writ petitions deserve to be dismissed.

5. I have heard learned counsel for the parties and considered the rival submissions made herein-above and also gone through the record with utmost circumspection.
6. The finding of reinstatement recorded finding the termination to be illegal is concurrent finding of fact based on material available on record. I do not find any illegality or perversity in the said finding and therefore so far as reinstatement is concerned, this Court is not inclined to interfere with the said finding.
7. So far as back-wages, it is brought to the notice of this Court that a Division Bench of this Court in W.A.No.419/2011 (State of Chhattisgarh and another v. G.K. Gupta and another), decided on 16-7-2012, has allowed the appeal filed by CIDC and made directions with regard to inter se liability of the State of Chhattisgarh and CIDC which state as under: -

“24. As a result of the aforesaid discussion, all the appeals succeed and are allowed in part. The impugned common order dated 4th July, 2011 is accordingly modified to the extent by declaring that the appellants i.e. 'State of Chhattisgarh' and 'CIDC' are not liable to incur and pay the interest liability as demanded by the writ petitioner pursuant to the EDF Scheme and instead, it is declared and directed that the 'MPSRTC' (respondent No.2) is and would continue to be liable to incur and pay the interest liability accrued on the deposit made by the writ petitioner pursuant to the EDF Scheme to the writ petitioner, including all kinds of liabilities arising out of the EDF Scheme.

25. The MPSRTC is directed to verify the claims of each writ petitioners and after making proper verification

of deposit made by the writ petitioners would calculate the interest as per the method prescribed in the EDF Scheme and then pay to each writ petitioner the amount so worked out and found payable.”

8. In view of the above, it would be expedient to remit the matter to the Labour Court to decide the extent of liability of CIDC and MPSRTC after hearing both the Corporations as well as the employees/ petitioners within a period of four months from the date of receipt of a copy of this order. It is ordered accordingly.
9. The writ petitions stand finally disposed of with the aforesaid observation/direction. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge