

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****WP NO.2019 of 2006**

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

-----Petitioner**Versus**

1. Puran Lal S/o Late Rameshwar Satnami, aged about 45 yrs, R/o Village : Dhaba, P.O. Limtara, P.S. Kumhari, Distt: Durg (CG)
2. Presiding Officer Labour Court Durg (CG)
3. President, State Industrial Court (CG) Raipur

----- Respondents

 For Petitioner : Mr.Ashish Surana, Advocate
 For Respondent No.1 : Mrs.Kiran Jain, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****23/07/2018**

1. Respondent-Puran Lal was removed from service on the premises that misconduct has been proved against him, which was challenged by respondent No.1 in an application under Section 31(3) of the Chhattisgarh Industrial Relations Act, 1960 before the Labour Court. The Labour Court by order dated 27.10.2004 found that major misconduct has been proved, but interfered with the order of removal by directing reinstatement along with 50% back-wages. In an appeal preferred by the petitioner before the Industrial Court, the Industrial Court affirmed the order of the Labour Court.
2. Learned counsel for the petitioner would submit that the order passed by the Labour Court as affirmed by the Industrial Court is unsustainable and bad in law.
3. On the other hand, learned counsel for respondent No.1 would support the impugned order.

4. I have heard learned counsel for the parties and considered their rival submissions made hereinabove and also went through the records with utmost circumspection.
5. Respondent-Puran Lal was appointed with petitioner-Bhilai Steel Plant on 14.11.1987 as Attendant, (S-3), Ore Handling Plant. In a domestic enquiry initiated against him it has been proved that for securing employment he has given false information in respect of his name and date of birth, thereby impersonation was established as he admitted the charges and he was removed from service by order dated 2.3.2001. The Labour Court though found that misconduct has been proved, but interfered with the order of removal on the ground of some guidelines issued by Bhilai Steel Plant and directed reinstatement along with 50% back wages, which was concurred with by the Industrial Court.
6. The Labour Court and the Industrial Court have concurrently held that major misconduct has been proved against respondent No.1 as by impersonating himself as Puran Lal S/o Rameshwar Ram he has obtained employment whereas he is Jogi Ram S/o Rameshwar Ram. The Labour Court ought not to have interfered with punishment of removal awarded to respondent No.1 (See **M.P. Electricity Board v. Jagdish Chandra Sharma**¹) on the ground of some sympathy or departmental circular issued by the Department which according to learned counsel for the petitioner has already been withdrawn on 11.3.1991.
7. In view of above, the orders passed by the Labour Court and the Industrial Court interfering with punishment of removal awarded to respondent No.1 is hereby set aside. It is stated at the Bar that respondent No.1-Puran Lal has already been retired from service,

¹ (2005) 3 SCC 401

therefore, amount already paid shall not be recovered from him in the interest of justice.

8. The writ petition is allowed to the extent indicated herein-above.

No cost(s).

Sd/-

(Sanjay K.Agrawal)
Judge

B/-