

HIGH COURT OF CHHATTISGARH, BILASPUR
Writ Petition No.1762 of 2005

Chandra Bhushan Shukla S/o Lalit Prasad Shukla, Conductor,
 C.G.C.I.D.C. Transport Division, Raipur (CG) C/o Shri Awadesh
 Pratap Singh, near Narayan Ice Factory, Karbalapara, Raipur (CG)

---- Petitioner

Versus

Divisional Manager, C.I.D.C. of C.G. of Raipur (CG)

---- Respondent

For Petitioner	:	Mr.Amiyakant Tiwari, Advocate
For Respondent	:	Mr.R.N.Pusty, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

14/03/2018

1. In a domestic enquiry held against the petitioner, he was inflicted with penalty of termination of service, against which, an application under Section 31 (3) of the Chhattisgarh Industrial Relations Act, 1960 was filed before the Labour Court. The Labour Court found the domestic enquiry to be illegal, which was reversed by the Industrial Court by order dated 12.10.1993 holding the domestic inquiry to be proper and valid and thereafter the Labour Court directed reinstatement of the petitioner without back wages, against which, M.P.S.R.T.C. preferred an appeal before the Industrial Court. The Industrial Court allowed the appeal and set aside the order of the Labour Court reinstating the petitioner. Against the order of the Industrial Court, this writ petition has been filed by the petitioner herein.
2. Mr.Amiyakant Tiwari, learned counsel for the petitioner would

submit that the Industrial Court did not meet with the reasonings of the Labour Court for reversing the finding of the Labour Court granting reinstatement and set aside the order of the Labour Court, which is liable to be set aside.

3. On the other hand, Mr.R.N.Pusty, learned counsel for the respondent would oppose the submissions and support the impugned order.
4. I have heard learned counsel for the parties and considered their rival submissions made herein-above and also gone through the records with utmost circumspection.
5. Though domestic enquiry was found to be legal and proper by the Industrial Court, the Labour Court on its re-appreciation of the material available on record clearly recorded a finding that misconduct was not established recording cogent reasons, which was interfered with by the Industrial Court simply holding that in domestic enquiry, misconduct was established.
6. The Industrial Court was required to meet with the findings of the Labour Court holding that misconduct was not established, which the Industrial Court did not address and straightway set aside the order of the Labour Court holding that punishment is just and proper.
7. For the aforesaid reasons, the order of the Industrial Court cannot be sustained and it is hereby set aside. The matter is remitted to the Industrial Court for hearing and disposal in accordance with law. The Industrial Court shall pass afresh order after hearing the

parties within three months from the date of receipt of a copy of this order.

8. The writ petition is allowed to the extent indicated hereinabove. No cost(s).

Sd/-

(Sanjay K. Agrawal)

Judge

B/-