

HIGH COURT OF CHHATTISGARH, BILASPUR

WA No. 796 of 2018

1. South Eastern Coalfield Limited Through The Chairman and Managing Director, South Eastern Coalfield Limited, Head Office Bilaspur (CG)
2. The Chief General Manager South Eastern Coalfield Limited, Baikunthpur Area, District Korea (CG).

---- Appellants

Versus

1. Ganga Prasad Tripathi, S/o Shri Purshottam Prasad Tripathi, Aged About 52 Years, Employed as Clerk Grade-I ,SECL, Jhilimili Sub Area, ,R/o At VPO Pandavpara Colleiry, Sub Area Office District Korea (CG)
2. The Presiding Officer , Central Government Industrial Tribunal Cum ,labour Court, Gole Bazar, Right Town, Jabalpur (MP)

---- Respondents

For Appellants : Shri Sudhir Bajpayee, Advocate

Hon'ble Shri Ajay Kumar Tripathi, CJ
Hon'ble Shri Parth Prateem Sahu,J

CAV Order

Per Ajay Kumar Tripathi, CJ

10/12/2018

1. Heard learned counsel for the appellants.
2. Perused the order of learned Single Judge dated 10.8.2018 against which present writ appeal has been preferred.
3. Writ application was filed by the workman against the order of the Industrial Tribunal-cum-Labour Court dated 30.3.2009 granting relief of reinstatement in service but refusing to pass the order for back wages without assigning any reason.
4. The ethos and the principles governing such issue has been culled-out by the learned Single Judge in Para-4 of the impugned order based on the

principles laid down by the Hon'ble Apex Court in Deepali Gunduu Surwase v. Kranti Junior Adhyapak Mahavidyalaya (D.Ed.) reported in (2013) 10 SCC 324.

5. If the said principles relating to grant of back-wages have not been followed by the Labour Court while passing the order, setting aside of the same and remanding the matter for fresh consideration cannot be said to be erroneous which requires any rectification in appeal.
6. The appeal has no merit, the same is liable to be dismissed and is dismissed.

Sd/-
(Ajay Kumar Tripathi)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-