

HIGH COURT OF CHHATTISGARH, BILASPUR

WA No. 330 of 2017

- Iqbaluddin Khan S/o Mohd. Ashique Khan, Aged About 40 Years R/o Qr. 3 / A, Street No. 4, Sector - 8, Bhilai Nagar Chhattisgarh

---- Appellant

Versus

- Managing Director, Bhilai Steel Plant Bhilai, District Durg Chhattisgarh., Chhattisgarh

-----Respondents

For Appellant : Shri Sudeep Johari and Shri Malay Shrivastava, Advocates
For Respondent : Shri BD Guru, Advocate

**Hon'ble Shri Ajay Kumar Tripathi, Chief Justice &
Hon'ble Shri Justice Parth Prateem Sahu
Judgment on Board**

Per Ajay Kumar Tripathi, Chief Justice

21.02.2019

1. A Writ Application was filed by the appellant challenging the order of removal as a measure of penalty on 24.12.1996. The background facts to such infliction of penalty for removal were that after the appellant was appointed as a Vehicle Operator (S-3 Grade) on 31.01.1996, he was issued a charge-sheet on 21.03.1996 that he had made false declaration or provided wrongful information regarding his age at the time of employment.
2. Steps were taken for holding a full fledged departmental enquiry and in the enquiry itself the appellant accepted his guilt as per Ex.Ps/13 and 14. Based on the acceptance of guilt, the penalty of removal was passed

which the appellant decided to assail under Section 31(3) of the Chhattisgarh Industrial Relations Act, 1960 before a Labour Court.

3. The Labour Court vide its order dated 02.12.1998 did not find any illegality in the domestic enquiry, therefore, refused to interfere in the order of punishment. Against the said decision, a writ was preferred. One of the grounds taken in the writ was that a similarly situated employee was inflicted punishment of withholding one increment, whereas in the case of present appellant, order of dismissal from service has been passed.

4. The full details and the circumstances under which the employer decided to inflict punishment of withholding one increment are not before us. So far as the order of removal in relation to the appellant is concerned, the charges were serious, where an employee at the very threshold of his entry into service made false declaration as to his age and when a departmental enquiry was initiated, he accepts the position unequivocally.

5. If under the said circumstances, the learned Single Judge was not persuaded to interfere with the findings given by the Labour Court, then, merely repeating the same argument, the order cannot be treated to be vulnerable or erroneous.

6. It is not even evident that this plea was taken before the Labour Court in relation to the so called discrimination conceived by the appellant.

7. The view of the learned Single Judge who was sitting in judicial review against the order of the Labour Court cannot be interfered or set

aside on other grounds, then what formed the basis for passing the award holding that there was no illegality with the domestic enquiry.

8. Appeal, therefore, has no merit. Accordingly, it is dismissed.

Sd /-

(Ajay Kumar Tripathi)
Chief Justice

Sd /-

(Parth Prateem Sahu)
Judge

padma