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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 161 of 2019**

{Arising out of Order dated 08.10.2018 passed in Writ Petition (227) No. 1842 of 2008 by the Learned Single Judge}

Chhattisgarh Infrastructure Development Corporation Limited Shastriya Chowk, G.E. Road, Raipur Chhattisgarh, Through Divisional Manager, CIDC (Parivahan Prabhag) Bilaspur Chhattisgarh. Present Address Managing Director, Head Office Chhattisgarh Rajya Kaushal Vikas Pradhikaran Bhawan, 2nd Floor, Old Police Head Quarter Premises, Raipur 492001.

---- Appellant**Versus**

1. Vinod Kumar Tripathi S/o Onkar Nath Tripathi Aged About 52 Years Occupation Ex - Conductor, M.P. Road Transport Corporation, R/o Village And Post Ganj, Tahsil And District Mahoba, Uttar Pradesh
2. The Competent Authority, M.P. Road Transport Corporation, Head Office, Habibganj, Bhopal Madhya Pradesh.
3. The State of Chhattisgarh Through Collector, Sarguja Chhattisgarh.
4. The State Industrial Court, Chhattisgarh, Raipur Bench At Bilaspur, Through Its Registrar.

---- Respondents

For Appellant	: Shri Akhilesh Kumar, Advocate.
For Respondent No. 1	: Shri Vinod Deshmukh, Advocate.
For Respondent/State	: Shri Vikram Sharma, Panel Lawyer

Hon'ble Shri P.R. Ramachandra Menon, Chief Justice
Hon'ble Shri Sanjay K. Agrawal, Judge

Judgment on Board

Sanjay K. Agrawal, J.

28/06/2019

1. This writ appeal is directed against the order dated 08.10.2018 (Annexure A/1) passed by the learned Single Judge by which the Petitioner-Employer's writ petition has been dismissed affirming the order of the learned Industrial Court by which the Respondent-Employee was reinstated in service without backwages by setting aside the order passed by the learned Labour Court.
2. The Respondent-Employee was working as a Conductor in the erstwhile Madhya Pradesh State Road Transport Corporation. A departmental enquiry was initiated against him for having committed misconduct in discharge of his official duty. On having found him guilty in the enquiry, an order of termination from service passed on 03.09.2002, which was assailed by him before the learned Labour Court by filing an application under Order 31(3) of the Chhattisgarh Industrial Relations Act, 1960 which was rejected on 30.09.2002. On an appeal being preferred by him before the learned State Industrial Court against the said order, the Industrial Court allowed the appeal of the Respondent-Employee and directed his reinstatement in service, but without backwages, vide order dated 29.08.2006, which was challenged by the Petitioner-Employer by filing a writ petition. The learned Single Judge dismissed the writ petition by order dated 08.10.2018 affirming the findings recorded by the learned Industrial Court as well as the Labour Court, against which the present writ

appeal has been preferred.

3. We have heard learned counsel appearing for the parties on IA No. 1 of 2019, application for condonation of delay of 73 days in filing the appeal. Sufficient cause has been shown. Delay is condoned.
4. Shri Akhilesh Kumar, learned counsel appearing for the Appellant-Employer would submit that the learned Single Judge was absolutely unjustified in dismissing the writ petition as the domestic enquiry was conducted strictly in accordance with the principles of natural justice and the Labour Court had rightly rejected the application of the Respondent-Employee, which was wrongly granted by the Industrial Court in the appeal and thereafter affirmed by the learned Single Judge. The same is contrary to law and deserves to be set aside.
5. Shri Vinod Deshmukh, learned counsel appearing for the Respondent-Employee would support the findings recorded by the learned Single Judge dismissing the writ petition filed by the Appellant-Employer.
6. We have heard learned counsel for the parties, considered the rival submissions made hereinabove and have gone through the materials available on record with utmost circumspection.
7. The learned Industrial Court, after appreciating the oral and documentary evidence on record has held that the domestic enquiry conducted was in full breach of the principles of natural justice and accordingly, directed for reinstatement of the Respondent-Employer, however, considering the facts of the case, backwages was declined which was also not challenged by the Respondent-Employee claiming

backwages. The learned Single Judge after considering the submissions made by learned counsel for the Appellant-Employer has clearly come to the conclusion that the order imposing major penalty of dismissal from service is in full breach of principles of natural justice.

8. After hearing learned counsel for the parties and after going through the records, we are of the opinion that the findings recorded by the learned Single Judge after appreciating the materials available on record that the domestic enquiry was conducted in breach of principles of natural justice in a finding of fact based on material available on record which is neither perverse nor contrary to record as such, Respondent-Employee has rightly been directed to be reinstated in service. We are unable to take any other view except the view what has been taken by the learned Single Judge, affirming the findings recorded by the learned Industrial Court.
9. In the result, the writ appeal deserves to be and is accordingly dismissed.

Sd/-
(P.R. Ramachandra Menon)
CHIEF JUSTICE

Sd/-
(Sanjay K. Agrawal)
JUDGE