

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPL No. 209 of 2019**

1. K. Joseph Raju, S/o Late Shri K. Sirilaiya Aged About 47 Years R/o Qtr. No. 24/a, Street Mpr Road, Sector-11, Khursipar, Zone-2, Bhilai, Distt. Durg, Civil And Revenue Distt. Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Petitioner**Versus**

1. Steel Authority Of India Through General Manager (Personnel), Bhilai Steel Plant, Bhilai, District : Durg, Chhattisgarh
2. The Assistant General Manager (Personnel), Bhilai Steel Plant, Bhilai, Distt. Durg, District : Durg, Chhattisgarh
3. The Jr. Manager (P-Mech) Bhilai Steel Plant, Bhilai, District : Durg, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Manoj K. Sinha, Advocate
For State	:	Mr. Chandresh Shrivastava, Dy. Adv. Gen.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****01.10.2019**

1. The challenge in the present Writ Petition is to the award of Labour Court dated 28.09.2017 passed by the Labour Court-Durg in Case No. 93/CGIR Act/2009 (Civil).
2. The facts of the case in the present Writ Petition is that, the petitioner in the instant case was working under the respondent establishment as a Progress Man. The services of the petitioner was

terminated vide order dated 29.09.2006. The termination of service was on the ground that, the petitioner remaining unauthorizedly absent for a period of 76 days. The petitioner thereafter challenged the order of termination before the Labour Court under Section 31 (3) of the CGIR Act, 1960. The Labour Court while deciding the preliminary issue passed an order on 27.09.2017 holding the departmental enquiry initiated against the petitioner being vitiated for non complying the principles of natural justice.

3. Thereafter, the labour court passed a final order on 28.09.2017. The labour court reached to a specific finding that the order of termination for the absence from the duty for 76 days, was highly disproportionate and harsh and therefore modified the order of punishment invoking powers conferred upon the labour court and passed an order of reinstatement in service without backwages.
4. Pursuant to the order of labour court dated 28.09.2017, the respondents issued order Annexure P-5 dated 13.12.2017 directing the reinstatement of the petitioner with no break in service. The petitioner immediately complied with the order without any objection whatsoever. The petitioner has also discharged his duties during the intervening period without challenging the order of reinstatement. The order passed by the department in-compliance of the Labour Court and also an order, whereby the petitioner was granted his joining on the terms and conditions mentioned by the department therein.
5. The present Writ Petition now has been filed after almost about 2 years. No plausible explanation except for personal reasons have been given by the petitioner for not challenging the said order

promptly or within a reasonable period. Two years is quite a long time for anybody to challenge the order passed by the labour court particularly when the order passed by the Labour Court was a biparty order and the department without challenging the same immediately complied with the order by issuing specific order in favour of the petitioner re-instating him in service. Thus, this Court is of the view that the Writ Petition suffers from delay and laches and the same deserves to be and is accordingly rejected on the ground of delay and laches.

6. However, so far as the grievance of the petitioner pursuant to the order dated 13.12.2017 and 15.12.2017, the two orders passed in compliance to the orders of labour court is concerned, the petitioners' right stands reserved for challenging the same before the appropriate court of law, in case if the law permits for the same. Subject to the petitioner furnishing the photocopy of the impugned order, certified copy shall be returned-back to the petitioner.
7. Accordingly, the present Writ Petition stands disposed-off.

Sd/-
(P. Sam Koshy)
Judge