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**HIGH COURT of CHHATTISGARH, BILASPUR**

**CONT No. 48 of 2016**

- D.R. Yadav son of Sukalram Yadav, aged about 62 years, R/o Qtr.No.A/16/7, CCI Colony, Akaltara, District Janjgir Champa C.G.

-----Petitioner

**VERSUS**

1. Mr. M.K. Mishra (C.M.D.), Cement Corporation of India, Core-5, Scope Complex-7, Lodhi Road, Delhi 110003.
2. Mr. U.S. Kumar, Deputy Manager, Operation and Administration (incharge Office), CCI, Cement Factory Akaltara, District Janjgir Champa C.G.

-----Respondents

**WITH**

**CONT No. 49 of 2016**

- R. K. Roy S/o Dasrath Roy, Aged About 65 Years R/o Qtr. No. A/11/7, CCI Colony, Akaltara, District Janjgir-Champa, Chhattisgarh

-----Petitioner

**VERSUS**

1. Mr. M. K. Mishra C. M. D., Cement Corporation of India, Core-5, Scope Complex-7, Lodhi Road, Delhi- 110003, Delhi
2. Mr. U.S. Kumar, Deputy Manager, Operation and Administration Incharge office, CCI, Cement Factory Akaltara, District Janjgir-Champa, Chhattisgarh

---- Respondents

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|-----------------|---|--------------------------------------------------------------|
| For Petitioner  | : | Mr. T.K. Tiwari, Advocate.                                   |
| For Respondents | : | Mr. Vinod Deshmukh, Advocate with Mr. Ritesh Giri, Advocate. |

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**Hon'ble Shri P.R. Ramachandra Menon, Chief Justice**

**Hon'ble Shri Parth Prateem Sahu, Judge**

**Judgment on Board**

**Per P.R. Ramachandra Menon, Chief Justice.**

**05/03/2020**

1. The Industrial dispute raised by the workers whose service was put an end to, came to be finalized by passing awards by the Labour Court ordering reinstatement with full back-wages, which was affirmed by the Industrial Court as well.
2. On further challenge raised before the learned Single Judge by way of writ petition, the said verdict came to be set aside, which was put to challenge from the part of the workers including the petitioners herein by filing different appeals.

All the three different appeals including those involved in the above cases were finalized by a Bench of this Court as per judgment dated 20-08-2015, whereby it was held that the appellants were entitled to be reinstated with back-wages, as ordered by the learned Court on 28-02-2002, from the date of dismissal, till the date of superannuation with consequential benefits in accordance with law. It was also observed that the payments made to the appellants during the pendency of the writ petitions and writ appeals shall be adjusted against the payable dues.

3. The writ petitioners in two petitions, by name Mr. D.R. Yadav and Mr. R.K. Roy, who were the appellants in WA No. 349/2015 and WA No. 345/2015 have moved this Court by way of Contempt Court cases, alleging wilful disobedience. The Respondents have filed a reply, pointing out that the Akaltara Unit of the Cement Corporation of India was not in operation since the year 1996 and that, all the local employees/ staff were given Voluntary Retirement Scheme (VRS) benefits since 31-10-2008, on closure of the Unit. It was also pointed out that there was no General Manager at Akaltara Unit and that no action in wilful disobedience of the judgment has been taken or pursued by the Respondents/ contemnors.
4. It has been further brought to the notice of this court that the Respondents have already moved the Apex Court by way of SLP(C) No. 7644-7646/2016, wherein the delay was condoned and notice was ordered on 25-04-2016.
5. The learned counsel appearing for the petitioners concedes that the SLP is still pending consideration before the Apex Court.
6. The learned counsel appearing for the Respondents points out that, when the matter came up for consideration before the Apex Court on 16-01-2017, the Apex Court had passed the following order:

“The petitioner is directed to file an affidavit of the competent authority of the Cement Corporation of India within two weeks indicating its present status and the precise quantum of liability that would be due in terms of back-wages, if the order of the High Court is to be implemented...”

Though it was subsequently listed on 06-02-2017, the matter has not been finalized and the issue is still pending.

7. In the said circumstance, these matters are closed for the time being, without prejudice to the rights and liberty of the petitioners to revive the matters, subject to outcome of the verdict to be passed by the Apex Court in the SLP.

Sd/-  
**(P.R. Ramachandra Menon)**  
Chief Justice

Sd/-  
**(Parth Prateem Sahu)**  
Judge

Pawan