

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPL No. 72 of 2021

- Factory Manager, Jindal Steel Power Limited, Kharsiya Road Raigarh, District Raigarh Chhattisgarh. Through - Its Authorized Signatory Sudhir Rai Working As Deputy General Manager (H.R. And E.S.) Jindal Steel Power Limited, Kharsiya Road Raigarh, District Raigarh Chhattisgarh.

---- Petitioner

Versus

1. Sumer Singh S/o Late Shri Natha Ram, Aged About 36 Years R/o. Village And Post Hirwa, Tahsil Buhana, District Jhunjhnu (Rajasthan) - 333027,
2. Labour Court Raigarh, District Raigarh Chhattisgarh.

---- Respondents

For Petitioner : Shri Shashank Thakur, Advocate

For Respondent No. 1: Shri B.M. Rao, Advocate

Hon'ble Shri Justice Narendra Kumar Vyas

Order on Board

13.12.2021

1. The petitioner has filed the present petition assailing the order dated 25.10.2021 passed by the learned Labour Court in Execution Case No. 07/ID Act /2021 Miscellaneous (Sumer Singh vs. Factory Manger, Jindal Steel Power Limited) whereby the petitioner was directed to make payment of 50% of back-wages from 26.09.2012.
2. The facts as reflected from the petition is that respondent No. 1 challenged termination order from the service before the learned Labour Court, Raigarh raising the industrial dispute case No. 07/ID Act/2021 Miscellaneous whereby the learned labour Court vide order dated 25.10.2021 quashed the termination order and directed to the petitioner to reinstate the workman with 50% back wages from 26.09.2012. The company challenged said award before this Court by WPL No. 1/2021. This Court vide order

dated 02.02.2021 stayed the effect and operation of award so far as granting of back wages subject to compliance of Section 17-B of the Industrial Dispute Act. The petitioner company was not complying the with Section 17-B of the Industrial Dispute Act therefore respondent No. 1 filed execution case No. 07/ID Act/2021 Miscellaneous before the Labour Court Raigarh. Learned Labour Court vide order dated 25.10.2021 directed the company to pay 50% of the back wages from 26.09.2012 as the company has not complied with the award dated 20.02.2020.

3. This Court vide order dated 03.12.2021 directed the petitioner company to comply with the provisions of Section 17-B of the Industrial Dispute Act. It is not disputed now by respondent No. 1 that Section 17-B of the Industrial Dispute Act is being complied with the by the petitioner. This Court in WPL No. 1/2021 vide order dated 02.02.2021 stayed the effect and operation of the award so far as grant of backwages subject to compliance of 17-B of the I.D. Act. Now, the petitioner company is complying with Section 17-B of the I.D. Act with retrospective effect. The condition imposed by this Court has already been fulfilled and the order dated 02.02.2021 passed by this Court has given effect to in its letter and spirit. As such, order dated 25.10.2021 passed by the Labour Court Raigarh in Execution Case No. 07/ID Act/2021 Miscellaneous deserves to be quashed.
4. Therefore, the order dated 25.10.2021 passed by the Labour Court Raigarh in Execution Case No. 07/ID Act/2021 Miscellaneous is quashed. It is directed that the petitioner company shall comply with Section 17-B of the Industrial Dispute Act till disposal of the writ petition (L) No. 1/2021 or alteration of condition by change in the circumstances.
5. With the above mentioned observations and conditions, the writ petition is allowed.

Sd-
(Narendra Kumar Vyas)
Judge