

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Writ Petition No. 2297 of 2020

Steel Authority of India Ltd.,
(Chandrapur Ferro Alloy Plant)
Through its Executive Director,
Mul Road, Chandrapur – 442 401.

... Petitioner

... Versus ...

(1) Deputy Chief Labour Commissioner (C),
Authority under Rule 25(2)(v)(a) of
The Contract Labour (R & A) Central
Rules, 1971, C.G.O., Complex,
Block-C, 1st Floor, Seminary Hills,
Nagpur – 440 006.

(2) CFP, Kamgar Union, Chandrapur,
Through its General Secretary
Shri Manik Batale, R/o Panchsheel
Chowk, Indira Nagar, Mul Road,
Chandrapur – 442 401.

(3) M/s Premier Plant Services Engineering
Pvt. Ltd., Contractor, R/o B – 6 & 7,
Co-op Industrial Estate, Mul Road,
Chandrapur – 442 401.

... Respondents

Mr. Sureshchandra Mehadia, Advocate for the petitioner
Ms. N. G. Chaubey, Advocate for respondent 1
Mrs. Kirti Kapse [Satpute], Advocate for respondent 2

CORAM : ROHIT B. DEO, J.
DATED : 11-4-2022

ORAL JUDGMENT

Rule. Rule made returnable forthwith. With consent, the
petition is finally heard.

2. The petitioner, which is a Central Government Undertaking, is assailing the order dated 25-2-2020 rendered by the Deputy Chief Labour Commissioner (Central) in purported exercise of power under Rule 25(2)(v)(a) of the Contract Labour (Regulation and Abolition) Central Rules, 1971 ('Rules' for short) whereby the petitioner was directed to revise the pay scale of 91 workers engaged on contract basis at par with the regular workers, on the premise that the nature of work is the same.

3. Having heard the learned counsel for the petitioner Mr. Mehadia, learned counsel for respondent 1, Ms. Chaubey and learned counsel for respondent 2, Mrs. Kapse (Satpute), in my considered view, the petition deserves to be allowed on the short ground that the order impugned is passed in breach of the principles of natural justice, and it would therefore, not be necessary to make any observation on the narrative and the counter narrative.

4. It appears that during the pendency of the proceeding, the Labour Enforcement Officer (Central), Chandrapur (LEO) visited the steel plant of the petitioner and recorded statements of the contract workers and some regular workers, on 4-12-2019 and 5-12-2019. The LEO submitted an enquiry report to the authority which records a

finding that the contract workers are discharging the same work which is performed by regular workmen.

5. In all fairness, learned counsel Ms. Chaubey does not dispute that neither was copy of the enquiry report made available to the petitioner nor was the petitioner permitted to cross-examine the authors of the statements on which reliance was placed by the authority. Ms. Chaubey does point out that when the statements of the workers were recorded, a senior officer of the petitioner was present who as a fact intervened and objected to certain answers. Be that as it may, the fact that some officer was present, as is bound to happen, does not take away from the duty of authority to at the barest minimum, make available copy of the enquiry report to the petitioner. The petitioner and the workers/claimants are further entitled to adduce evidence, if deemed fit, to substantiate their respective contentions. In my considered view, the authority could not have recorded the jurisdictional finding that the nature of work is identical, on the basis of the statements of the contract workers and some regular workers, which are not tested in cross-examination, and in any event, the authority could not have proceeded to pass the order without making available copy of the enquiry report to the petitioner. At this stage, learned counsel for the petitioner, Mr. Mehadia points out, that not only

was the report not supplied, after receiving the report, no further opportunity of hearing was given to any party.

6. In the light of what is noted supra, the order impugned will have to be quashed and is accordingly quashed.

7. The matter is remitted to the authority to pass fresh order in accordance with law, after giving effective opportunity to the parties to substantiate their respective contentions.

8. The authority is requested to decide the issue within six months from the date of appearance of the parties.

9. The parties shall appear before the authority on 22-4-2022.

10. No Separate notice shall be necessary.

11. The petition is partly allowed in the aforestated terms.

JUDGE

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