



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Writ Petition (WP) No. 8064 of 2022

**Steel Authority of India Limited, Chandrapur
Versus
Deputy Chief Labour Commissioner (C), Nagpur and another**

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri S.C.Mehadia, Advocate for the petitioner.
Ms. N.G.Chaubey, Advocate for the respondent no.1.
Ms. Kirti Satpute, Advocate for the respondent no.2.

**CORAM : ANIL S. KILOR, J.
DATED : 6th OCTOBER, 2023.**

Heard.

2. The petitioner is a Public Sector Undertaking, who employed a contractor for the purpose of executing contract work through contract workers.

3. The respondent no.2 is a Union of Contract Worker who filed an application before the respondent no.1 Deputy Chief Labour Commissioner (C), Authority under Rule 25(2)(V)(a) of the Contract Labour (Regulation and Abolition) Central Rules, 1971.

4. Thereupon, the respondent no.1 passed the order on 25th February, 2020 on the said application which was the subject matter of challenge in writ petition no. 2297 of 2020 filed by the petitioner.

5. The said writ petition was allowed by this Court vide order dated 11th April, 2022 and remanded the matter back to the respondent no.1 Commissioner to decide the same a fresh.

6. The reason for remand of the matter was that the inquiry report was not made available to the petitioner and even the petitioner was not allowed to cross-examine the authors of the statement on which the reliance was placed by the authorities.

7. After the remand, again the inquiry was conducted and during interrogation of workers/contract labourers, representation of petitioner management, the Union and the contract workers were present. They were granted opportunity to cross-examine (oral manner) and the management expressed no disagreement on the statement of workers recorded after interrogation and cross-examination by the management and representatives of both have signed the statement without any dispute.

8. After submission of such report to the respondent no.1 - Commissioner, he passed the

impugned order dated 18th November, 2022, which is under challenge in this writ petition.

10. The challenge in this writ petition is on the only ground that, after receiving the report and before passing the impugned order no hearing was granted to the petitioner by the respondent no.1.

12. The learned counsel for the respondent no.1 though submits that the petitioner was heard, but nothing has been pointed out from the impugned order or from any other material that any such opportunity was granted to the petitioner.

13. In the circumstances, without going into the merits of the matter and keeping all the points open, I am of the opinion that the ends of justice would be subserved, if the matter is remanded back for the limited purpose to hear the petitioner and respondent no.2 Kamgar Union and decide the matter afresh. Accordingly, I pass the following order.

- i. The writ petition is partly allowed
- ii. The order passed by the respondent no.1- Deputy Chief Labour Commissioner (C), Nagpur dated 18th November, 2022 is hereby quashed and set aside.
- iii. The matter is remanded back to the respondent no.1 to decide the same after hearing both the parties.

iv. The parties shall appear before the respondent no.1 Deputy Chief Labour Commissioner (C), Nagpur on **11th October, 2023** at 12 noon. Thereupon, the respondent no.1 Deputy Chief Labour Commissioner (C), Nagpur shall decide the same on or before 10th November, 2023.

[ANIL S. KILOR, J.]