



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

Writ Petition No.8168 of 2023

*Steel Authority of India Ltd. (Chandrapur Ferro Alloy Plant), through its Executive
Director, Chandrapur*

vs.

Deputy Chief Labour Commissioner (C), Nagpur and another

*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

Court's or Judge's Orders

Mr. S.C. Mehadia, Advocate for the Petitioner.

Ms. N.G. Choubey, Advocate for the Respondents.

CORAM : ROHIT W. JOSHI, J.

DATE : 6th OCTOBER, 2025.

Heard the learned Advocate for the parties.

02. The present petition is exception to the order 10/11/2023 passed by the Deputy Chief Labour Commissioner (Central), Nagpur acting an Authority under Rule 25(2)(v)(a)&(b) of the Contract Labour (Regulation and Abolition) Central Rules, 1971. By the said order the said Authority has held that 91 workers of respondent No.2-Union are entitled for salary equivalent to the salary payable to the employees working in S-1 Grade with the petitioner-company.

03. Mr. Mehadia, learned Advocate for the petitioner contends that the Competent Authority for adjudication of claim under Section 25 of the said Rules, the Deputy Chief Labour Commissioner has delegated the work of carrying out enquiry to the Assistant Labour Commissioner. The contention of the learned Advocate is that since the function performed by the Deputy Chief Labour Commissioner is quasi judicial in nature, delegation of power is not permissible. He contends that there is no legal provision to delegate the said power.

04. *Per contra*, Ms. Choubey, learned Advocate for the respondents contends that the task of adjudication is not delegated.

She contends that the Assistant Labour Commissioner was directed to collect material and furnish it for consideration before the Competent Authority. It is contended that the materiel collected by the Assistant Labour Commissioner is then considered by the Competent Authority and, therefore, no fault can be found in the impugned order in that regard.

05. In the considered opinion of this Court, the Competent Authority has not delegated the work of adjudication of claim to the Assistant Labour Commissioner. The Assistant Labour Commissioner was only called upon to accumulate the facts and submit the same for consideration of the Competent Authority. The Assistant Labour Commissioner has not adjudicated the claim and has only furnished the report for consideration before the Competent Authority. The first contention regarding delegation of power does not merit acceptance and is, therefore, rejected.

06. Mr. Mehadia, learned Advocate for the petitioner then contends that the work performed by the 91 workers engaged by the Contractors was in the nature of sanitation, housekeeping, cleaning etc. He contends that as against this, the work performed by the employees in S-1 Grade is of a technical nature. He points out that a specific contention in this regard was raised before the Authority and a comparative table of duties performed by contract workers and the duties performed by the workers in S-1 Grade was placed for consideration before the Competent Authority. He also contends that the minimum qualification for appointment to S-1 Grade was S.S.C. with I.T.I., whereas there is no such qualification prescribed for contract workers. Referring to the order passed by the learned Authority, Mr. Mehadia criticizes the same contending that the order is mere reproduction of the enquiry report and that the contention raised

by the petitioner with respect to nature of work is not dealt with.

07. *Per contra*, Ms. Choubey, learned Advocate representing the respondents contends that all the employees working in S-1 Grade were promoted to S2 Grade and as such there was no person available to discharge duties of persons in S-1 Grade. She contends that all these duties and work of S-1 Grade are performed by 91 workers of respondent No.2-Union. Referring to the report, it is contended that the report clearly refers to the work performed by the employees of the Contractors.

08. Perusal of the order will demonstrate that the authority has not recorded a categorical finding that the work performed by 91 employees of the contractors was same as the work performed by the regular workers on the establishment in S-1 Grade. The learned Authority has also not dealt with a specific contention raised by the petitioner that the employees in Grades S-1 to S-2 form a cluster, and that the nature of the duties assigned to them is similar in nature. The contention with respect to educational qualification is also not dealt with.

09. In the considered opinion of this Court, the impugned order is, therefore, not sustainable and is liable to be quashed. Respondent No.1 is directed to decide the matter afresh by passing a speaking order dealing with all the contentions raised by the petitioner, particularly with respect to nature of work.

10. The parties are directed to appear before respondent No.1 on 10th November, 2025. Parties to note that fresh notice for appearance will not be issued. The Authority shall decide the matter before 31st January, 2026.

JUDGE