

(2013) 05 CHH CK 0010
In the Chhattisgarh High Court
Case No : Writ Petition (S) No. 1026 of 2013

Sharat Chandra Rath

APPELLANT

Vs

Hindustan Steel Works Construction Ltd. and Another

RESPONDENT

Date of Decision : 07-05-2013

Acts Referred:

Citation : (2013) 3 CGLJ 509

Hon'ble Judges : Manindra Mohan Shrivastava, J

Bench : Single Bench

Advocate : Uttam Pandey, for the Appellant;

Final Decision : Allowed

Judgement

Manindra Mohan Shrivastava, J.—Learned counsel for the petitioner would submit that the petitioner was working in the establishment of Hindustan Steel Works Construction Limited, however, at the time of closure of the Industrial unit belonging to the said company at Bhilai, a Voluntary Retirement Scheme was floated and the application for voluntary retirement submitted by the petitioner was allowed. He would submit that although some dues have been settled but salary of 28 months and other retrial dues still remains to be paid by the respondents - Company. He would submit that the petitioner is still occupying the residential accommodation provided by the Company but all of a sudden the Company is forcing him to vacate the accommodation allotted to him. Drawing attention of the Court to an order passed by the Patna High Court on 14/09/2000 (Annexure P/8), learned counsel for the petitioner would submit that this writ petition may also be disposed off in similar terms. He submits that in identical case, directions have been issued by this Court on 01/03/13 in W.P.(S) No. 500/13. Having perused the order passed by the Patna High Court (Annexure P/8) as also order passed by this Court in W.P.(S) No. 500/13 and considering the limited nature of grievance raised in this writ petition, it is disposed off with the following directions:--

(i) The petitioner shall submit detailed representation raising his grievance regarding non-payment of salary of 28 months and other retrial dues before the respondents-Company within a period of three weeks from today.

(ii) On submission of representation, the respondents shall decide the same by speaking order and if the salary for the above said period has not been paid to the petitioner, the same shall be paid as early as possible and preferably within a period of six months from the date of deciding the representation.

(iii) The respondents shall further decide as to the unpaid retrial dues admissible to the petitioner and whatever dues are still remaining unpaid, the same shall be paid within the aforesaid period of six months.

(iv) If the respondents intimate the petitioner about the date of payment of entire benefits, the petitioner will vacate his allotted accommodation within one month from the date of actual payment.

2. The writ petition stands finally disposed off in the above terms. Since the writ petition has been disposed off at the admission stage without issuing notices to the respondents, it will be open for the respondents to move application for modification or recalling on any permissible ground.