



2026:CGHC:3133

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****W.P(L) No.102 of 2015**

Chhattisgarh Infrastructure Development Corporation Through
 Divisional Manager, Chhattisgarh Infrastructure Development
 Corporation, Transport Division, Raipur, Chhattisgarh.,
 Chhattisgarh **... Petitioner**

versus

1 - Akbar Khan S/o Shri Azimulah Khan, Driver, State Garage,
 Chhattisgarh State, R/o Near Sahara Batteries, Maudahapara,
 Raipur, Tehsil Raipur, Police Station, Maudahapara, Raipur, Civil
 And Revenue District Raipur, Chhattisgarh.

2 - Presiding Officer, State Industrial Court, Raipur Chhattisgarh.

3 - Presiding Officer, Labour Court, Raipur, Chhattisgarh.

... Respondents

For Petitioner	: Ms. Anushka Sharma on behalf of Shri RS Marhas, Advocate.
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For Respondent : Shri Sudeep Johri along with Shri JK Gupta,
No.1. Advocates.

Hon'ble Shri Justice Sachin Singh Rajput
Order on Board

19.01.2026

1. The following reliefs have been claimed in this Writ Petition:-

“10.1 That this Hon'ble Court be pleased to call for the entire records from the learned courts below for its kind perusal.

10.2 That this Hon'ble Court be pleased to issue writs in the nature of certiorari quashing the impugned orders dated 13/07/2009 (Annexure P-1) passed by the learned Labour Court, Raipur, dated 20/01/2010 (Annexure P-2) passed by the Industrial Court, Raipur and summons dated 25/02/2015 (Annexure P-3) and summons dated 04/07/2015 (Annexure P-16).

10.3 That any other order or orders, direction or directions, writ or writs, as this Hon'ble Court may deem fit under the facts and circumstances of the case may also be issued in favour of the petitioner against the respondents.

10.4 That costs of the petition may also be awarded to the petitioner.”

2. Ms. Ansushka Sharma submits that Respondent No.1 has filed an application under Section 31 r/w Section 61 of the Chhattisgarh Industrial Relations act, 1960 before the Labour Court, Raipur, Chhattisgarh i.e. Case No.1/A/26/2006/CGIR wherein, it was prayed as under:-

“(a) That the action of the non-applicant in not allowing any paying the Selection Grade-1 of scale of pay of the post of Driver, is illegal and improper.

(b) That the applicant is entitled to Selection Grade-1 scale of pay from the date he has completed 15 years of service along with difference of pay or atleast for the period of two years preceeding the date of this application. He is further entitled to payment of Bonus at



the rate of 8.33% per annum on the amount of such difference

(c) That the non-applicant should further be directed to pay to the applicant, interest at the rate of 16% per annum on the difference of pay.

(d) That any other relief the Court deem proper may also be granted to the applicant.”

She submits that reply to the said application has been filed and the parties have led evidence in support of their respective pleas and the learned Labour Court, Raipur, vide its order dated 13.07.2009 (Annexure P-1), has allowed the application filed by Respondent No.1 and granted him the relief of promotion on the post of Driver Grade-1. She further submits that the said order was subjected to challenge by the Petitioner before the State Industrial Court, Chhattisgarh, Raipur, which was registered as an Appeal bearing Civil Appeal No.38/CGIR Act/A/11/2009 and the same was dismissed by the Industrial Court vide its order dated 20.01.2010 (Annexure P-2). She further submits that the Petitioner has complied with the order of the Labour Court merged with the order of Industrial Court in its letter and spirit but despite the same, summons/notices dated 25.02.2015 & 04.07.2015 were issued to the Petitioner. She lastly submits that the Labour Court had no jurisdiction to entertain or decide the application filed by Respondent No.1 in view of the provisions contained in the CGIR Act and as such, the Court below has committed an error in



allowing the said application, therefore, the impugned order/s and the summons/notices may be quashed.

3. Alternatively, learned Counsel for Respondent No.1 submits that the Respondents themselves have admitted the fact that the impugned orders passed by the Labour Court and the Industrial Court have been complied with in its letter and spirit. He further submits that the Petitioner has enjoyed the fruits of the orders and as Respondent No.1 has retired, therefore, this Petition has become infructuous. He further submits that if the Petitioner is required to prosecute the summons issued to it, despite having raised a specific objection that the application itself is not maintainable under the provisions of the CGIR, the same would cause prejudice to the Petitioner.

4. Heard learned Counsel for the parties and perused the documents annexed with the Petition with utmost circumspection.

5. Looking to the peculiar facts and circumstances of the case and considering the fact that Respondent No.1 has already retired having enjoyed the fruits of the orders passed by the Labour Court and the Industrial Court and further considering the submissions made by Shri Johri that he would not press the summons part, this Court is not inclined to entertain this Petition.

6. Accordingly, the impugned summons/notices dated 25.02.2025 and 04.07.2015 shall not be acted upon by Respondents No.2 and



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3 and the same may be considered by the concerned Courts in an appropriate manner.

7. With the aforesaid direction/observation, the instant Petition stands **disposed of**.

Sd/-

(Sachin Singh Rajput)
JUDGE

Priya