
(2015) 04 JH CK 0002

Jharkhand High Court

Case No: I.A. No. 8752 of 2013 and L.P.A. No. 405 of 2013

Workman Sonaram
Rohidas

APPELLANT

Vs

Chairman-cum-Managing
Director, Bokaro

RESPONDENT

Date of Decision: April 21, 2015

Acts Referred:

- Industrial Disputes Act, 1947 - Section 10
- Limitation Act, 1963 - Section 5

Citation: (2015) 2 AJR 762

Hon'ble Judges: Dhirubhai Naranbhai Patel, J; Ratnaker Bhengra, J

Bench: Division Bench

Advocate: A.K. Sahini, for the Appellant; Rajiv Ranjan, Advocates for the Respondent

Final Decision: Dismissed

Judgement

Dhirubhai Naranbhai Patel, J.

This interlocutory application has been preferred under Section 5 of the Limitation Act for condonation of delay of 1189 days in preferring this letters patent appeal. Counsel appearing for the appellant submitted that appellant is a poor and illiterate type person and delay has been occurred, partly due to his ignorance and partly due to poverty and partly due to communication gap between petitioner and his advocate and partly due to time has been consumed in taking legal aid. Due to poverty he is unable to approach quickly in this Court in letters patent appeal. He is a class four employee in the respondent-company.

2. Counsel appearing for the respondent vehemently opposed the condonation of delay and he has relied upon the decision rendered by the Supreme Court reported in [Office of The Chief Post Master General and Others Vs. Living Media India Ltd. and Another](#), AIR 2012 SC 1506 : (2012) 113 CLT 1066 : (2012) 174 CompCas 387 : (2012) 2 CTC 240 :

(2012) 277 ELT 289 : (2012) 348 ITR 7 : (2012) 2 SCALE 782 : (2012) 3 SCC 563 : (2013) 1 SLJ 320 : (2012) 207 TAXMAN 163 : (2012) AIRSCW 1812 : (2012) 2 Supreme 244 .

3. Having heard counsel for both the sides and looking to the reasons stated in the interlocutory application, it appears that the delay has been occurred due to poverty of this workman and partly due to communication gap between him and his lawyer and some time has been consumed in taking legal advice because of his poverty.

4. In view of this reasons stated in this interlocutory application, we hereby condone the delay of 1189 days in preferring the letters patent appeal.

5. I.A. No. 8752 of 2013 is allowed and disposed of.

L.P.A. No. 405 of 2013.

6. By the consent of the advocate for both the sides this L.P.A. is taken up for final hearing.

7. Having heard learned counsel for both the sides and looking to the facts and circumstances of the case, it appears that this appellant (original-petitioner), who had joined the service of the respondent in the pay scale of P-3 on 25.4.1973.

8. It further appears that he was working in the Government of India, from where he resigned and joined the service of the respondents-company on the oral assurance that he will be given higher pay scale i.e. P-6 scale because he was working with the Government of India in the said pay scale.

9. Thus, the whole basis of raising the industrial dispute under the Industrial Disputes Act is nothing on the oral assurance given by somebody from the respondent public sector undertaking, ultimately the reference was made under Section 10 of the Industrial Disputes Act and the said terms and reference read as under:--

"Whether Sri Sonal Ram Rohidas, Staff No. 255788, Ballast-fernanace (o) of the management M/s. Bokaro Steel Plant is entitled to get pay scale of P-6 in place of P-3 from the date 25.04.73? If yes, why he was deprived from the benefits of promotion till now at the basis of P-6?"

10. We have perused the evidences on record. It appears that this appellant (original-petitioner) has failed to prove the oral assurance given by the respondent for grant of higher pay scale instead of P-3, P-6 pay scale, thus no error has been committed by the Presiding Officer, Labour Court, Bokaro Steel City.

11. Looking to the evidences on record, it has been rightly held by the Labour Court, Bokaro Steel City, that this appellant is not entitled to get P-6 pay scale, in fact, it is an

expectation of this appellant that he has resigned from the service of the Government of India, where his pay scale was equal to P-6 pay scale, he will get such a higher pay scale right from very inception into the service with the respondent. But his expectation was not fulfilled. The respondent is a public sector undertaking and no such concession has ever been given by anyone or from the respondent nor this appellant has proved that he is entitled to get P-6 pay scale.

12. There is no legal duty vested upon the respondent to give higher pay scale i.e. P-6 pay scale to this appellant neither any rules or regulations imposing any duty upon the respondent to give this appellant to higher pay scale.

13. Thus, neither any right is vested in this appellant nor there is any duty vested with the respondents for grant of higher pay scale. This aspect of the matter has not been properly appreciated by the labour Court as well as in a shortest possible order passed by the learned single Judge while dismissing the writ petition. We see no reason to entertain the impugned order passed by the learned Labour Court, Bokaro Steel City as well as learned single Judge. There is no substance in this L.P.A. hence the same is dismissed.