

Md. Mustaffa Vs. the Management of Bokaro Steel Plant and anr.

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Court : Jharkhand

Decided On : Jul-18-2008

Reported in : [2008(4)JCR310(Jhr)]

Judge : Ajit Kumar Sinha, J.

Appellant : Md. Mustaffa

Respondent : The Management of Bokaro Steel Plant and anr.

Disposition : Petition dismissed

Judgement :

ORDER

Ajit Kumar Sinha, J.

1. The petitioner has preferred this writ petition for setting aside the Award dated 27.8.2002 passed by the learned Presiding Officer, Labour Court, Bokaro Steel City in reference case No. 23/1998.

2. The submission as raised by the petitioner is that he was appointed on 13.12.1965 in the respondent organization. According to him, his age was recorded as 25 years in the descriptive roll as 13.12.1965, according to which the petitioner was due to retire in month of December 98/December 2000.

3. The petitioner further submits that he received a communication from the Management whereby he was informed that he was due to retire on 13.12.1995 and accordingly on 22.6.1995 he made a representation to the authority concerned. The representation of the petitioner was rejected on 28.9.1995.

4. This led to filing of a Conciliation Proceeding and finally the matter was referred to the Labour Commissioner-cum-Conciliation Officer to adjudicate the dispute with regard to age.

5. The learned Labour Court vide its impugned Award dated 27.8.2002 which is sought to be challenged after considering the entire evidence on record and after hearing the parties came to the conclusion as under:

10. From the discussions made above I find that in fact no cutting has been made in the date of birth of Md. Mustafa, driver, staff No. 012568, Bokaro Steel Plant, Bokaro Steel City, so the reference itself appears to be incompetent. From the above discussions I further find that there has been over writing on figure 8 against column No. 3 the date of birth of descriptive roll (Ext. M-10) of the workman but from naked eye it does not appear that the figure 5 has been made figure 8 by doing such over writing. On behalf of the workman no iota of evidence has been brought on the record to indicate that he noted 25 years as his age in the descriptive roll rather from the documents of the workman such as the LTC Ext. M-7 and M-8 together with Ext. W-1 it appears that the workman is in the habit of giving different age at the different stage of his service. In the result, I find and hold that no cutting has been made in the date of birth of workman Md. Mustafa and Md. Mustafa is entitled for no relief. This is my Award.

6. The main contention raised by the petitioner is that he had no knowledge about the age and that is why he challenged only in the year 1995. This contention also does not hold good for the sole reason that Annexure-2 as has been annexed by the petitioner, is another document which has been signed by him and thus the contention about having no knowledge is not justified.

7. Be that as it may the fact remains that he has raised this dispute about correction of age pursuant to issuance of a notice of retirement by the

Management and not before that.

8. Secondly, it is an admitted fact that he has collected the entire retiral dues including Gratuity, Provident Fund etc. and had signed the settlement without any objection.

9. In the aforesaid background and also in view of the settled law this writ petition cannot be entertained on the aforesaid ground itself. The same is accordingly dismissed without any order as to costs.

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