

Court No. - 33

Case :- WRIT - A No. - 18507 of 2023

Petitioner :- Vinod Kumar Mishra

Respondent :- State of U.P. and others

Counsel for Petitioner :- Purushottam Pandey

Counsel for Respondent :- C.S.C., Alok Kumar Srivastava,
Satyam Singh

Hon'ble J.J. Munir,J.

Heard Mr. Purushottam Yadav, learned Counsel for the petitioner, Mr. Alok Kumar Srivastava, learned Counsel appearing for respondent No. 2 and Mr. Satyam Singh, learned Counsel appearing on behalf of respondent No. 3.

Perused the order dated 25.08.2022, which has been challenged by the petitioner on various grounds, saying that he is a seasonal employee, who has been paid retaining allowance. The impugned order records that with effect from 06.05.2016 regarding seasonal employees, there is the Standing Order, 1988 issued by the Government of U.P., Department of Labour dated 27.09.1988, wherein there are clear instructions for payment of retaining allowance, which require that during each crushing season, a seasonal employee has to work for a month in order to be entitled to retaining allowance. A finding has been recorded to the effect that since the respondent-Sugar Mill functioned for 24 days alone during the crushing season 2009-10 and during the crushing season 2010-11, it was permanently closed by the Government, the petitioner is not entitled to receive any retaining allowance.

Considering the nature of the dispute involved, which includes substantial and material questions, purely of fact, and also relating

to interpretation of the Standing Orders issued under the U.P. Industrial Disputes Act, 1947 (*'Act of 1947' for short*) this Court is of opinion that the petitioner would have a better and equally efficacious remedy by way of raising an industrial dispute under the U.P. Industrial Disputes Act, 1947.

In this view of the matter, this petition is **dismissed on ground of alternative remedy**, with the liberty aforesaid.

Order Date :- 9.11.2023

I. Batabyal