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HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 635 of 2015

- Mohan Jute Mill Limited A Company Duly Incorporated Under The Provisions Of The Companies Act Throuth Its Authorized Signatory, 1, K Y D Street, 16- A, Palace Court, Kolkata, West Bengal.

---- Petitioner

Versus

- K. Ramanuj Rao S/o Shri K. Rao, R/o Jute Mill Campus, Raigarh, District Raigarh, (Chhattisgarh)

---- Respondent

And

WP227 No. 640 Of 2015

- Mohan Jute Mill Limited A Company Duly Incorporated Under The Provisions Of The Companies Act Throuth Its Authorized Signatory, 1, K Y D Street, 16- A, Palace Court, Kolkata, West Bengal.

---- Petitioner

Vs

- Satish Kumar Sharma S/o Shri Anandi Lal Sharma Aged About 55 years R/o Jute Mill Campus, Sarangarh Road, Raigarh, Distt. Raigarh, (Chhattisgarh)

---- Respondent

And

WP227 No. 636 Of 2015

- Mohan Jute Mill Limited A Company Duly Incorporated Under The Provisions Of The Companies Act Throuth Its Authorized Signatory, 1, K Y D Street, 16-A, Palace Court, Kolkata, West Bengal

---- Petitioner

Vs

- Narsingh Bahadur Singh S/o Shri Kishan Dev Singh, Resident Of Jute Mill Complex, District Raigarh (Chhattisgarh)

---- Respondent

And

WP227 No. 639 Of 2015

- Mohan Jute Mill Limited A Company Duly Incorporated Under The Provisions Of The Companies Act Through Its Authorized Signatory, 1, K Y D Street, 16-A, Palace Court, Kolkata, West Bengal

---- Petitioner

Vs

- Ravindra Kumar Dubey S/o Late Shri Bhulan Dubey, Resident Of Jute Mill Complex, District Raigarh (Chhattisgarh)

---- Respondent

And

WP227 No. 637 Of 2015

- Mohan Jute Mill Limited A Company Duly Incorporated Under The Provisions Of The Companies Act Throuth Its Authorized Signatory, 1, K Y D Street, 16-A, Palace Court, Kolkata, West Bengal

---- Petitioner

Vs

- Ranjit Sarkar S/o Late Shri S. K. Sarkar, R/o Jute Mill Complex, District Raigarh, Chhattisgarh

---- Respondent

And

WP227 No. 638 Of 2015

- Mohan Jute Mill Limited A Company Duly Incorporated Under The Provisions Of The Companies Act Throuth Its Authorized Signatory, 1, K Y D Street, 16- A, Palace Court, Kolkata, West Bengal.

---- Petitioner

Vs

1. Smt. Nirmala Devi W/o Late Shri Birju Kushwaha, Aged About 50 years R/o Jute Mill Campus, Raigarh, District Raigarh, (Chhattisgarh)
2. Vijay Kushwaha S/o Late Shri Of Late Shri Birju Kushwaha, Aged About 24 Years R/o Jute Mill Campus, Raigarh, District Raigarh, (Chhattisgarh)
3. Sanjay Kushwaha S/o Late Shri Birju Kushwaha, Aged About 21 Years R/o Jute Mill Campus, Raigarh, District Raigarh, (Chhattisgarh)

---- Respondent

{Note: Cause title has been reproduced as is available in the CIS Software}

For Petitioner : Shri Amrito Das, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

10/08/2015

1. Petitioner is aggrieved by the order passed by the Industrial Court, allowing the appeal preferred by the respondents and transferring the application under Section 31 (3) of the Chhattisgarh Industrial Relations Act, 1960 (for short 'the Act, 1960') pending before the Labour Court, Raigarh, for adjudication to the Labour Court, Bilaspur.
2. Shri Das, learned counsel for the petitioner would place reliance on the judgments in the matter of **Smt. Renu Jain (Pahadia) Vs. Smt. Preeti Agrawal and another¹** and **M.Y. Shareef and another Vs. Hon'ble Judges of the Nagpur High Court and others²**, to argue that the kind of imputations leveled by the respondent against the Presiding Officer (for short 'the PO') is uncalled for and in the facts and circumstances of the case, the same would amount to commit contempt of lawful authority of the Court. He would submit that on making mere application the Industrial Court ought not to have transferred the matter.
3. Reading of the order passed by the Industrial Court would indicate that the Industrial Court has not gone into the merits of the facts stated in the

¹ (2004) 2 M.P.H.T. 104

² A.I.R. 1955 S.C. 19

transfer application and as such, the ground on which the transfer has been sought has not at all been found sufficient to transfer the matter, however, since the respondents have nurtured a feeling that justice may not be done with them, if the matter is heard before the PO of Labour Court, Raigarh, the Industrial Court deemed it appropriate to transfer the matter to Bilaspur.

4. Applying its earlier decision in **Surya Dev Rai Vs. Ram Chander Rai**³ and **Shalini Shyam Shetty Vs. Rajendra Shankar Patil**⁴, the Supreme Court in the matter of **Sameer Suresh Gupta through PA Holder Vs. Rahul Kumar Agarwal**⁵ has held that supervisory jurisdiction under Article 227 of the Constitution is exercised for keeping the subordinate courts within the bounds of their jurisdiction. When a subordinate court has assumed a jurisdiction which it does not have or has failed to exercise a jurisdiction which it does have or the jurisdiction though available is being exercised by the court in a manner not permitted by law and failure of justice or grave injustice has occasioned thereby, the High Court may step in to exercise its supervisory jurisdiction. It has also been held that supervisory jurisdiction or certiorari jurisdiction is not available to correct mere errors of fact or of law unless the following requirements are satisfied : (i) the error is manifest and apparent on the face of the proceedings such as when it is based on clear ignorance or utter disregard of the provisions of law, and (ii) a grave injustice or gross failure of justice has occasioned thereby. The power to issue a writ of certiorari and the supervisory jurisdiction are to be exercised sparingly and only in appropriate cases where the judicial conscience of the High Court dictates it to act lest a gross failure of justice or grave injustice should occasion.

3 (2003) 6 SCC 675

4 (2010) 8 SCC 329

5 (2013) 9 SCC 374

5. The petitioner company has its office at Kolkata, whereas respondent employees are stationed at Raigarh, therefore, it would not make any substantial implication on the petitioner if the matter is heard either at Raigarh or Bilaspur. Although transfer of a labour dispute in a matter like this is not solely based on convenience but the above has been considered by this Court only to examine whether at all the order will put the petitioner into such inconvenience which, coupled with the nature of allegations made against the PO, would so vitiate the exercise of jurisdiction by the Industrial Court to compel this Court to exercise jurisdiction under Article 227 of the Constitution of India.
6. Considering the limited jurisdiction of this Court under Article 227 of the Constitution of India, and reiterating the fact that the Industrial Court has not recorded any finding against the PO of the Labour Court at Raigarh, this Court is of the considered opinion that instead of interfering with the orders, it would be appropriate to direct the Labour Court, Bilaspur to decide the matters at the earliest, preferably within a period of six months from the date of presentation of certified copy of this order.
7. Accordingly, the writ petitions are disposed of.

Sd/-

Judge

Prashant Kumar Mishra

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