

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 7994 of 2016

=====

Jute Mills Mazdoor Sabha, R B H M Jute Mill, Katihar through its Secretary, Girish Kumar Singh son of Late Ram Prasad, resident of Kuldeep Sewa Sadan, RBHM Jute Mill, Gate No. 4, P.S. Katihar (T), District Katihar.

.... Petitioner/s

Versus

1. The Union of India through its Secretary, Ministry of Textile, Udyog Bhawan, New Delhi- 110001
2. Government of India through Ministry of Labour/Shram Mantralaya, New Delhi.
3. The Director, Board of Industrial and Financial Reconstruction Board, Govt. of India, 22 floor Jawahar Yayapar Bhawan, New Delhi- 110001.
4. The Chairman-cum- Managing Director, National Jute Manufacturing Director, National Jute Manufacturing Corporation Ltd. (Unit RBHM, Katihar), Chartered Bank Building, 2nd floor, 04 Netaji Subhash Road, Kolkata- 700001.
5. The Chief Executive Officer, (Revival Mills) National Jute Manufacturer Corporation Ltd. (Unit RBHM), Katihar, At P.O.- Katihar Mills, Katihar (Bihar), 854107.
6. The Chief Operating Officer, RBHM Jute Mill, Katihar, District- Katihar.
7. The Director, Rahul Enterprises, Power House Road Binodpur, Katihar, District- Katihar.
8. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr Bimal Kumar, Advocate

For the U O I : Mr S D Sanjay, ASG with
Mr Anshuman Singh, CGC

For the S t a t e : Mr Pratik Kumar, AC to GA 5

=====

CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH
And
HON'BLE JUSTICE SMT NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR JUSTICE NAVANITI PRASAD SINGH)

Date: 24-10-2016

Heard learned counsel for the petitioner, learned counsel
for the State and learned counsel for the Union of India. Though
respondent No 7, the private Labour Contractor has entered

appearance, no one appears for him.

2 This so-called Public Interest Litigation (for brevity, *PIL*) has been filed by the Jute Mills Mazdoor Sabha, RBHM Jute Mill, Katihar through its Secretary ostensibly for issuing a direction to the National Jute Manufacturing Corporation Limited (for brevity, *the Corporation*) to ensure supply of adequate jute to the mill for its sustained running.

3 On close scrutiny, we find that this application is not a bona fide application as a *PIL*. A reference to Annexure 2 would show that consequent to the nationalization by the Central Government of RBHM Jute Mill at Katihar alongwith several jute mills of Bengal, efforts were made to restart the jute mill but due to continuous non-cooperative attitude of the workers who took to serious indiscipline, this unit would not be effectively and economically run. Annexure 2 clearly discussed this issue. It is elementary that if the workers do not cooperate in efficiently running the unit, even at the cost of sacrifice of their privileges, there can be no rehabilitation of the unit. The production, falling much below the economic level, the Corporation cannot be expected to bill the raw material inventories by making purchase of raw jutes with no commensurate production. Apparently, this litigation is a litigation between the Mazdoor Sabha and the private labour contractor for

getting their dues. Whatever may be the ultimate result, the workers on the factory front have to discipline themselves to ensure smooth economic running of the mill. So long as the workers do not impose a self-discipline, rehabilitation would be a far cry. It is for the Mazdoor Sabha to ensure that all the workers fully cooperate and there would not be the slightest of indiscipline. Only then, the Corporation can be faulted, if at all.

4 We do not think that this application is bona fide, filed as a PIL. It is, accordingly, dismissed.

(Navaniti Prasad Singh, J)

M.E.H./-

(Nilu Agrawal, J)

U			
---	--	--	--