

HIGH COURT OF CHHATTISGARH, BILASPUR**WPL No. 207 of 2016**

1. Lakhan Kumar Patel S/o Bhagirathi Patel, Aged About 32 Years R/o Karwahi, Post Saraitola, Tahsil Gharghoda, P.S. Tamnar Distirct Raigarh Chhattisgarh
2. Om Prakash Nayak S/o Teekram Nayak, Aged About 31 Years R/o Bajarmuda, Post Saraitola, P.S. Tamnar Distirct Raigarh Chhattisgarh
3. Laxmiram Praja S/o Kartikram Praja, Aged About 45 Years R/o Village Karwahi, Post Saraitola, P.S. Tamnar, Distirct Raigarh Chhattisgarh

---- Petitioners**Versus**

1. State Of Chhattisgarh Through The Collector Raigarh Chhattisgarh
2. Union Of India Through The Secretary, Ministry Of Labour And Employment, Government Of India, I.R.(M) Desk, Shram Shakti Bhawan Rafi Marg, New Delhi, 110001
3. Regional Labour Commissioner, (C) Officer Of Regional Labour Commissioner, Bilaspur Chhattisgarh
4. Monnet Ispat & Energy Limited, Through Chief General Manager, B.S. Choudhary, Karwahi, Open Cast Coal Mines, Gare Palma Iv/7, Karwahi, Post Saraitola, P.S. Tamnar, Distirct Raigarh Chhattisgarh
5. Sub Divisional Officer (Revenue) Gharghoda, Distirct Raigarh Chhattisgarh

---- Respondents

For Petitioners
For Respondent /State
For U.O.I.

Shri Varun Sharma, Advocate
Shri Neeraj Jain, Government Advocate
Shri N.K. Vyas, Assistant Solicitor General

SB: Hon'ble Shri Justice P.Sam Koshy**Order On Board****18.10.2016**

1. The present Petition under Article 226 of the constitution of India has been filed assailing Annexure P/2 dated 16.08.2016 which are notices of lay off given to each of the Petitioners.
2. A perusal of the record attached to the petition the document Annexure P/9 dated 12.09.2016 reflects that the Government of India, Ministry of Labour

has seized off the matter on an application preferred for lay off sought by the Respondent No.4. Documents shows that there was hearing on 17th October, 2016. The Counsel for the Petitioner submits that on this date of hearing the matter has been adjourned for 19.10.2016.

3. In view of this fact that the matter has already been seized and is under consideration by the Government of India, Ministry of Labour, this Court is of the opinion that at this juncture it would be pre-mature for this Court to invoke its Writ jurisdiction and enter into the veracity of the notices of lay off issued to the Petitioners when Government of India, Ministry of Labour vide Annexure P/9 is already considering the same.
4. If at all the Petitioner feel aggrieved by the decision taken by the Government of India, Ministry of Labour on the outcome of Annexure P/9, they would be at liberty to assail the same. There is also possibility that the Government may refuse permission to lay off and which may be in favour of the Petitioners.
5. Thus, at this juncture this Court is reluctant to entertain the present Petition, accordingly the same stands dismissed reserving liberty to the Petitioners to avail other remedies if such a situation arises at a later stage.

Sd/-

**(P. Sam Koshy)
JUDGE**