

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 2047/2016

(BHARTIYA MANGANESE MAZDOOR SANGH, GOBARWAHI **VERSUS** UNION OF INDIA & OTHERS)

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Shri S.W. Sambre, counsel for the petitioner.

CORAM : SMT.VASANTI A. NAIK AND
V.M. DESHPANDE, JJ.

DATE : MARCH 30, 2016.

By this writ petition, the petitioner-Bhartiya Manganese Mazdoor Sangh, Gobarwahi seeks a direction to the respondent nos.2 to 5 to amend the Date of Birth of the employees in view of the provisions of Clause 25 of the Standing Orders of the Manganese Ore India Limited. The petitioner-Sangh also seeks a direction to the respondent-Manganese Ore India Limited to stop favouring a set of employees by permitting them to change their Date of Birth after the cut-off date, i.e. 05.05.1992, as agreed in the settlement.

The relief sought by the petitioner in the instant petition cannot be granted in exercise of the writ jurisdiction. It is not stated in the writ petition to which employees the relief has been granted without following Clause 25 of the Standing Orders. The employees, whose Date of Birth have been permitted to be changed though they have applied after 05.05.1992, have not been joined as parties, to this writ petition. If the petitioner-Sangh is aggrieved by the action of the respondents in not following the settlement entered into between the Sangh and the respondent-Manganese Ore India Limited and the petitioner is of the view that the respondent-Manganese Ore India Limited has indulged in unfair labour practices, the petitioner has other remedies. However, the petitioner cannot seek to invoke the jurisdiction under Article 226 of the Constitution of India for seeking the relief claimed.

Hence, we dismiss the writ petition with no order as to costs.

The points raised in the petition are kept open.

JUDGE

JUDGE

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