

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (L) No. 171 of 2016**

Ashok Kumar son of Narendra, aged about 52 years, R/o Panchpedi Naka, Santoshi Nagar, Raipur, District Raipur (CG).

---- **Petitioner**

Versus

1. General Manger, Hindustan Petroleum (HP) Corporation Ltd. East Zone, 6, Church Lane, PB No.16, Calcutta (WB).
2. Regional Manger, Hindustan Petroleum (HP) Madina building 3rd floor, Kutchari road, Raipur, District Raipur (CG).

---- **Respondents**

For Petitioner
For respondents

Shri CK Sahu, Advocate.
Shri NK Vyas, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

15/02/2017

1. The present petition has been preferred under Article 226 of the Constitution of India seeking for salary and other allowances payable to the petitioner from 01.10.1991 to the year, 2016.
2. On the last date of hearing, the respondent was directed to seek instructions in the matter. Today, Shri NK Vyas, counsel for the respondents submits that the present petition is not maintainable for the reason that the petitioner for the same set of facts and same relief had already filed a petition before the High Court of Madhya Pradesh which was registered as Writ Petition No.3656 of 1994 and which was disposed off vide order dated 30.11.1995 with a direction to the petitioner to avail the remedy of raising a dispute under the provisions of Industrial Disputes Act, 1947 as the grievance of the petitioner can be resolved only after an

investigation is done.

3. The present petition has been filed suppressing the aforesaid material factual aspects. Counsel for the respondents further submits that the petitioner for the same relief had also filed a claim case before the Central Government Industrial Tribunal cum Labour Court, Jabalpur where dispute was registered as CGIT/LC/C/7/92. The case was initiated under the provisions of Section 33(C)(2) of the Industrial Disputes Act which also stood rejected on 04.07.2014. Counsel for the respondents submits that in view of the fact that the petitioner's claim case has been rejected by the Central Government Industrial Tribunal and the High Court of Madhya Pradesh has also disposed off the petition with a direction to raise industrial disputes on 30.11.1995, the present petition is not maintainable.
4. Without further entering into the merits of the case and the dispute as raised, taking into consideration the order of Madhya Pradesh High Court dated 30.11.1995 in Writ Petition No.3656 of 1994, this court is of the opinion that second writ petition for the same cause of action is not maintainable. Further, the High Court of Madhya Pradesh having already decided the matter directing that the petitioner to avail his remedy raising a dispute under the Industrial Disputes Act as the claim can only be decided after an investigation is done, this court is of the opinion that there is no ground for entertaining the present second writ petition on the same set of facts and relief made out particularly with the suppression of earlier writ petition being decided by the High Court of Madhya Pradesh.
5. Accordingly, the petition fails and is dismissed. No order as to costs.

Sd/-
(P.Sam Koshy)
Judge