

HIGH COURT OF CHHATTISGARH, BILASPUR

WA No. 294 of 2017

- D.P.Saraf S/o Late Shri K. A. Sharaf, Aged About 59 Years Chief Storekeeper, Rajgamar, R/o Qtr. No. E /22, 15 Block, S. E. C. L. Colony Korba, Tahsil And District Korba, Chhattisgarh.

---- Appellant

Versus

- Coal India Limited Through- The Chairman, Premisses No. 04, M. A. R. , Plot No. A. F. I I I , Action Area 1 A , New Town, Rajarhat Kolkata, West Bangal, 700156

---- Respondent

For Petitioner : The petitioner in person.

Hon'ble Shri Justice Pritinker Diwaker
Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

P. Diwaker, J

01/11/2017

1. This writ appeal arises out of the order dated 16.6.2017 (Annexure A-1) passed by the learned Single Judge in Writ Petition (S) No.2605/2017 dismissing the writ petition.
2. The petitioner/appellant, who is an employee of the South Eastern Coalfields Ltd, filed a writ petition before the writ Court mainly for issuance of a writ declaring the notice of strike as null & void being in violation of mandatory provisions of the Industrial Disputes (Central) Rules, 1957 and that the same has been issued by the unregistered trade unions. The learned Single Judge vide order impugned dismissed the said petition by holding that the High Court in exercise of writ jurisdiction would not

conduct a roving enquiry to reach the conclusion whether the notice of strike is legal, proper or justified because for deciding such issue, evidence would have to be collected and adduced before the Court, which is not permissible before the High Court and it is for the Industrial Tribunal to decide such issues.

3. We have heard the appellant and perused the impugned order.
4. Obviously, the legality or validity of the call for strike given by the trade unions which according to the petitioner were unregistered ones is a matter to be decided by the Industrial Tribunal by adducing evidence of the parties. This cannot be done in exercise of the writ jurisdiction under Article 226 of the Constitution of India and in that view of the matter learned Single Judge does not appear to have gone wrong in dismissing the petition holding that such fact finding enquiry cannot be undertaken by it. No illegality or arbitrariness is visible in the order under challenge in this writ appeal and therefore this Court is not inclined to interfere therewith.
5. Writ appeal thus being without any merit is hereby dismissed and the order passed by the learned Single Judge gets affirmed.

Sd/-
(Pritinker Diwaker)
Judge

Sd/-
(Arvind Singh Chandel)
Judge