

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPL No. 74 of 2018

1. T. Kameshwar Rao S/o Laxminarayan Rao, Aged About 42 Years R/o House No. 131/1, Ward No. 10, D M C, Talab Par, Kumhari District Durg, Chhattisgarh.
2. Mukesh Kumar S/o Shri Ramnath Verma Aged About 39 Years Behind Shiv Mandir Housing Board Colony, Shivam City, Saddu, Raipur, Chhattisgarh.
3. Saroj Pradhan S/o Shri Purusottam Pradhan Aged About 33 Years H.No. 944/14 Bhagat Singh Chowk Tikrapara Raipur, Chhattisgarh.
4. Shiv Kumar Sahu S/o Late Baburam Sahu Aged About 38 Years Near Shitla Mandir, Shiv Nagar. New Changora Bhata, Raipur, Chhattisgarh.
5. Lokesh Kumar Sahu S/o Shri Shiv Kumar Sahu Aged About 30 Years Village, Post Tarsiva, Tahsil And District Dhamtari, Chhattisgarh.
6. Gopal Prasad Nishad S/o Shri Motiram Nishad Aged About 36 Years Village, Post Kurud, District Raipur, Chhattisgarh
7. Pramesh Kumar Sahu S/o Shri Ninuram Sahu Aged About 40 Years Village Devar, Tilde, Tahsil Arang, District Raipur, Chhattisgarh.
8. Chintamani Sahu S/o Shri Ram Kisun Sahu Aged About 31 Years Village Semariya, Post- Nardaha District Raipur, Chhattisgarh.
9. Satish Kumar Verma S/o Shri Devendra Verma Aged About 34 Years Behind Gajanand Mandir, Tatyapara, Chowk, Raipur, Chhattisgarh.
10. Mukesh Kumar Sahu S/o Shri Loknath Sahu Aged About 36 Years Sec-4 Housing Board Colony Saddu, Raipur, Chhattisgarh.
11. Gopal Soni S/o Shri Shyamlal Soni Aged About 47 Years Bhagat Singh Chowk, Shanti Nagar, Raipur, Chhattisgarh.
12. Hemlal Sahu S/o Shri Arjunlal Sahu Aged About 47 Years Vinod Kirana Store Mathpara Birgaon Raipur, Chhattisgarh.
13. Satish Kumar Shandilya S/o Shri Mehbu Singh Aged About 32 Years Village Panarbhatta, Post Kunra, Tahsil Dharsiva, District Raipur, Chhattisgarh.
14. Satish Verma S/o Shri Heera Ram Verma Aged About 39 Years Ward No. 15 Saktipara, Urkura Raipur, Chhattisgarh.
15. Chova Ram Verma S/o Shri Keju Ram Verma Aged About 38 Years Mathpara, Urkura, District Raipur, Chhattisgarh.
16. Shyamji Tiwari S/o Shri Laxmi Prasad Tiwari Aged About 30 Years Mathpara, Urkura District Raipur, Chhattisgarh.
17. Lav Kumar Sahu S/o Shri Ramadhar Sahu Aged About 43 Years R/o Moti Chowk, Shankar Nagar, Durg, Chhattisgarh.
18. Lalit Kumar S/o Shri Jhumuk Lal Aged About 30 Years R/o Gajju Tailar, Bazar Chowk, Urkura, District Raipur, Chhattisgarh.
19. Ishwar Kumar Nishad S/o Shri Moti Ram Nishad Aged About 45 Years R/o Village Kurud, Post Silyari District Raipur, Chhattisgarh.

20. Ramesh Kumar Dewangan S/o Shri Jhagru Ram Dewangan Aged About 41 Years R/o Chandra Shekhar Nagar, Raipur District Raipur, Chhattisgarh.
21. A. Chandrashekhar Reddy S/o Shri Mohan Reddy Aged About 37 Years R/o Near Bindasonkar School, Ashwani Nagar, Raipur, Chhattisgarh.
22. Santosh Yadav S/o Late Shri Sakhrum Yadav Aged About 42 Years R/o Lakhe Nagar, Gautam Nagar, Near Nagrig Kalyan Samiti Raipur, District Raipur, Chhattisgarh.
23. Dinesh Kumar Uikey S/o Shri P R Uikey Aged About 42 Years R/o Ram Janki Temple, Rameshwar Nagar, Bhanpuri Raipur, District Raipur, Chhattisgarh.
24. Praful Masih S/o Prem Kumar Masih Aged About 30 Years House No. 574 Opposite My Dental Care, Adarsh Chowk, Rajatalab Raipur, Chhattisgarh.

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Versus

1. State Of Chhattisgarh Through The Secretary Department Of Labour, Mantralaya Naya Raipur, District Raipur, Chhattisgarh.
2. Labour Commissioner Indravati Bhawan, Naya Raipur, District Raipur, Chhattisgarh.
3. Assistant Labour Commissioner, Raipur District Raipur, Chhattisgarh.
4. Nai Dunia, A Unit Of Jagran Prakashan Ltd., Krishna Glory Complex, Sai Nagar, Jail Road, Raipur, District Raipur, Chhattisgarh.

---Respondents

For Petitioners	:	Mr. Vikash Dubey, Advocate
For State	:	Mr. Anand Dadariya, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

05/03/2018

1. The present is a writ petition raised by a group of employees working under the respondent No. 4. The petitioners had raised a claim so far as their entitlement of wages and other benefits as per the Majithiya Wage Board. The petitioners had also raised an industrial dispute in this regard and the matter already stood referred to the Labour Court, Raipur for adjudication.

2. The allegation of the petitioners is that the respondent No.4 have initiated coercive action against them with an intention of pressurizing the petitioners to withdraw the cases, which have been filed by them claiming Majithiya Wage Board benefits. It was further contended that the petitioners apprehend that their services would be discharged by the respondent No.4 by implicating them in false and frivolous cases and by conducting false departmental enquiry against each of the petitioners. They submits that in this regard, also they have made a suitable application before the competent authority i.e. the Assistant Labour Commissioner, Raipur seeking permission to prosecute the respondents or else a fresh reference be made so far as the subsequent illegal change which is being brought by the respondent No.4. They further submits that though prompt applications have been filed before the Assistant Labour Commissioner, but the Assistant Labour Commissioner perhaps is not taking any step ensuring protection to these petitioners who are the vulnerable when pitched against the mighty employer and prays for a suitable direction.
3. The State counsel at the same time also submits that so far as the dispute in respect of the entitlement under the Majithiya Wage Board is concerned, the matter has already been referred to the concerned Labour Court and if at all, if there is a subsequent development, the same shall be looked into by the respondents No.1 to 3 by taking prompt action on the said applications. He further submits that perhaps the application in respect of subsequent illegal change has been moved by only the petitioner No.1 and not by all the petitioners.

4. Given the said facts and circumstances of the case, this Court does not think it proper to keep this petition pending and is of the opinion that the ends of justice would meet if the writ petition stands disposed of with a direction to the respondents No. 1 to 3 to ensure that on the applications which have been filed by the petitioners bringing to their notice regarding the alleged highhandedness on the part of the respondent No.4 and also in respect of the alleged illegal change which is being brought by the respondent No.4, a suitable action would be taken inclusive of a conciliation proceeding if necessary and on failure appropriate reference be made to the concerned Labour Court. Meanwhile the authority shall also explore the possibility of initiating any prosecution case, if a prima facie strong case is made out on the complaint by the petitioners.
5. Let these steps be taken by the respondents within a period of 45 days from today.

Sd/-
(P. Sam Koshy)
Judge

Ved