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HIGH COURT OF CHHATTISGARH AT BILASPUR**Writ Petition (L) No. 239 of 2018**

Laghu Udyog Shramik Union (AITUC) Mazdoor Sabha Bhawan, Nandini Road, Bhilai, District- Durg, Chhattisgarh, Pin- 490011, Through Its Secretary Poshan Lal Verma, Aged About 45 Years, S/o Itwari Ram Verma, Working As Machine Operator, R/o Naya Mangal Bazaar, Gudhiyari, Near Sumit Bazzar, Raipur, District- Raipur, Chhattisgarh

---- Petitioner**Versus**

1. Uniworth Limited Through Its Chairman, Plot No. 923-945 Urla Growth Centre, Sector-D Industrial Estate, Po Sarora, Urla District- Raipur, Chhattisgarh
2. State Of Chhattisgarh Through The Secretary, Ministry Of Labour Indrawati Bhawan, Atal Nagar, Raipur, District- Raipur, Chhattisgarh
3. Labour Commissioner, State Of Chhattisgarh, Indrawati Bhawan, Atal Nagar, Raipur, District- Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Chandresh Shrivastava, Advocate
For State	:	Mr. Ratan Pusty, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****01/12/2018**

The present writ petition has been filed seeking for the following reliefs:

- i) That the respondent no.3 may be directed to send the matter/industrial dispute for adjudication immediately to the Labour Court for adjudication.
- ii) That the respondent no.1 may be directed not to take away the raw material and finished goods as well as the plant and machinery out of the premises of the industrial unit at Raipur.

2. The facts of the case are that respondent no.1 has an industrial establishment at Raipur which was dealing with manufacturing of woolen fabrics. Respondent no.1 abruptly resorted to illegal lock out and closed the unit at Raipur since 08.10.2018. The petitioner union immediately raised an industrial dispute before the Conciliation Officer under the provisions of Industrial Dispute Act seeking for the relief of declaring the said closure/lock out to be illegal. The Conciliation Officer i.e. the Assistant Labour Commissioner on due consideration prepared a failure report and ordered for making a reference to the Labour Court, Raipur for adjudication of the dispute in respect of the lock out vide order dated 05.11.2018 . Accordingly to the petitioner, after the failure report was sent by the Assistant Labour Commissioner for notification of reference to the concerned Labour Court. The respondent no.1 taking advantage of the intervening period where the matter is not before any forum or authority, started removing the plant and machinery from their premises at Raipur, thereby the plant would become totally inoperative and the petitioner union even on succeeding before the Labour Court, would be left with no employment whatsoever. The petitioner union therefore has filed the present writ petition seeking for a limited relief of a direction to the State Govt. to immediately refer the matter to the Labour Court and till the matter is taken up by the concerned Labour Court, respondent no.1 may be directed to maintain status quo so far as the plant and machinery, raw materials and also the finished goods that are kept in the factory premises are concerned.

3. State counsel, on the other hand without disputing the factual matrix of the case, submits that it is only on 05.11.2018 that the failure report has

been sent by the Conciliation Officer and therefore it is too early for any direction to be issued to the State Govt.

4. Given the facts and circumstances of the case, this Court is of the opinion that once when the matter is already seized for consideration before the competent officer under the Industrial Disputes Act and on a failure report, the matter having already been referred to the Labour Court, Raipur for adjudication of the terms of reference, the respondent no.1 should not act in a manner whereby the claim of the petitioner gets frustrated or even if the petitioner union succeeds before the Labour Court, it would of no use except for the paper decree that they would have in their favour.

5. Given the said facts, it is ordered that respondents 2 & 3 shall ensure that immediate reference be sent to the concerned Labour Court. It is further directed that till the matter is taken up by the Labour Court, let the parties to the dispute be maintain status quo as it exists today so far as the plant, machinery, raw-materials and finished products that are lying in the premises of respondent no.1 Company. It is made clear that the effect and operation of the interim order passed by this Court would lose its efficacy immediately on the matter being referred and the reference being registered by the Labour Court.

Sd/-
(P. Sam Koshy)
Judge