

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION NO.20663 OF 2005

ORDER:

The writ petitioner, a workers' union, filed this writ petition challenging the action of the respondents in changing the P.F. Account number from AP/28836 to AP/45012 to its members working in SAMKRG Pistons (Rings) Limited, Varisam, Pydibheemavaram, Srikakulam District.

2. Heard.

3. It is the case of the petitioner that in the year 1997, due to non-fulfillment of the demands of the workers, the workers organized a strike. After restoration of workmen to their duties, due to the act of the management, nearly 70 workers were required to work under the contractors, for which, the petitioner – Union protested and demanded to continue them in old system that was existed prior to 1998 and raised a dispute before the Labour Department. The Conciliation Officer submitted his factual (failure) report to the Government, in pursuance of which, the petitioner filed W.P.No.22092 of 2003 and this Court, by order dated 13.09.2004, directed the Government to refer the matter to the Industrial Tribunal. Accordingly, the Government referred the matter to the Industrial Tribunal-cum-Labour Court, Visakhapatnam (for short, Labour Court) for adjudication. When the matter is pending before the Labour Court in I.D.No.19/2005, the management got changed the P.F. Account number of said

workmen. Challenging the same, the petitioner – Union filed the present writ petition.

4. It is the case of the respondents that change was made in pursuance of the application made by the employer for issuing a separate code in view of the members allotted to the contractors who supplied the contract employees. They have no jurisdiction to decide whether the employees are regular employees of the principle employer or under the contract labour. Moreover, the employer i.e., SAMKRG Pistons (Rings) Limited, Varisam, Pydibheemavaram, Srikakulam District, is not a party to this writ petition.

5. Having satisfied with the contentions of the learned counsel for the respondents, the writ petition is dismissed. However, the petitioner is at liberty to workout the remedies that are available to it under law. No costs. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

T.AMARNATH GOUD, J

Date: 05-01-2018
TJMR