

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 6378 of 2019**

1. Smt. Albela Archana Xess W/o Shri Suresh Khesh Aged About 37 Years
Occupation Nurse Grade I, Address- li/35 Kirandul District- Dantewada,
Chhattisgarh., District : Dantewada, Chhattisgarh
2. Smt. Veena Arora W/o Shri Indrajeet Arora Aged About 32 Years
Occupation Nurse Grade I, Address- li/ds/466 Kirandul District-
Dantewada, Chhattisgarh., District : Dantewada, Chhattisgarh
3. Smt. Neetu Saha W/o Shri Manik Saha Aged About 36 Years Occupation-
Nurse Grade I, Address- C/o Mr. N.C. Sarkar, Bangali Camp, Kiendul
District- Dantewada, Chhattisgarh., District : Dantewada, Chhattisgarh
4. Chinta Trinath S/o Shri Shiva Rao S. Aged About 30 Years Occupation-
Nurse Grade I, Address- li/ds/446 Kirandul District- Dantewada,
Chhattisgarh., District : Dantewada, Chhattisgarh
5. Smt. T. Gouri Dhawan W/o Shri Mohit Dhawan Aged About 35 Years
Occupation- Nurse Grade Ii, Address- li/ds/530 Kirandul District-
Dantewada, Chhattisgarh., District : Dantewada, Chhattisgarh
6. Smt. Lalita Rawat W/o Shri Ajit Kumar Rawat Aged About 34 Years
Occupation- Nurse Grade I, Address- Ib/06 Kirandul District- Dantewada,
Chhattisgarh., District : Dantewada, Chhattisgarh
7. Smt. Rajeshwari Kishima W/o Shri Gulab Singh Koshima Aged About 35
Years Occupation Nurse Grade I, Address- li/ds/480 Kirandul, District-
Dantewada, Chhattisgarh., District : Dantewada, Chhattisgarh
8. Smt. Archana Toppo W/o Shri Ajay Toppo Aged About 38 Years
Occupation Nurse Grade I, Address- li/ds/331 Kirandul, District-
Dantewada, Chhattisgarh., District : Dantewada, Chhattisgarh
9. Yogesh Kumar Chandrakar S/o Shri P.L. Chandrakar Aged About 36
Years Occupation Assistant Lab Technician Grade Ii, Address- li/ds/227
Kirandul, District- Dantewada, Chhattisgarh., District : Dantewada,
Chhattisgarh
10. Tilak Kumar Bhandhey S/o Shri Feru Ram Bhandhe Aged About 34 Years
Occupation W.A. Cum Dresser Grede I, Address- li/ds/386 Kirandul,
District- Dantewada, Chhattisgarh., District : Dantewada, Chhattisgarh

11. Jay Prakash Gupta S/o Shri Mahesh Saw Aged About 34 Years
Occupation W.A. Cum Dresser Grade I, Address- li/ds/557 Kirandul,
District- Dantewada, Chhattisgarh., District : Dantewada, Chhattisgarh

12. Brajesh Mishra S/o Shri Shiv Prasad Mishra Aged About 36 Years
Occupation Assistant Pharmacist Grade Ii, Address- li/ds/590 Kirandul,
District- Dantewada, Chhattisgarh., District : Dantewada, Chhattisgarh

---- **Petitioners**

Versus

1. NMDC Limited The National Mineral Development Corporation Limited,
(A Govt. Of India Enterprise) Through Its Chairmen Cum Managing
Director, Registered Office At 10-3-311/a, Castle Hills, Masab Tank,
Hyderabad, 560028., District : Hyderabad, Telangana
2. General Manager Nmdc Limited, Production Units- Bailadila Lron Ore
Mines, Kirandul Complex, P.O. Kirandul, District- Dantewada,
Chhattisgarh.- 494556, District : Dantewada, Chhattisgarh
3. Chief Vigilance Officer Nmdc Ltd. 10-03-311/a Castle Hills, Masab Tank,
Hyderabad, 560028., District : Hyderabad, Telangana

---- **Respondents**

For Petitioner	:	Mr. Neeraj Choubey, Advocate
For Respondent/s	:	Mr. Vaibhav Shukla, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

26/08/2019

1. The claim of the petitioners in the present writ petition filed by a group of workers is for an appropriate direction to the respondents for releasing 23% of the minimum guaranteed Benefit to the petitioners.
2. At the outset, this Court is of the opinion that the writ petition is not maintainable for the reason that dispute raised by the petitioner is more of an industrial dispute as the relief sought for by the petitioners is on the basis of a "Settlement" that has been entered into by respondent No. 1 with the Trade Union operating under the respondent No. 1 and the

settlement was entered and registered before Chief Labour Commissioner.

3. Perusal of the record would show that Labour Department has also already made certain correspondences to the management Respondent No. 1 in this regard.
4. Supreme Court in the case of **Hindustan Steel Works Construction Ltd. And another Vs. Hindustan Steel Works Construction Ltd Employee Union, (2005) 6 SCC 725** in paragraph 8 & 9 has held as under :-

"8. [In U.P. State Bridge Corporation Ltd. and Ors. v. U.P. Rajya Setu Nigam S. Karamchari Sangh](#) (2004 (4) SCC 268), it was held that when the dispute relates to enforcement of a right or obligation under the statute and specific remedy is, therefore, provided under the statute, the High Court should not deviate from the general view and interfere under [Article 226](#) except when a very strong case is made out for making a departure. The person who insists upon such remedy can avail of the process as provided under the statute. To same effect are the decisions in [Premier Automobiles Ltd. v. Kamlekar Shantarum Wadke](#) (1976 (1) SCC 496), [Rajasthan SRTC v. Krishna Kant](#) (1995 (5) SCC 75), [Chandrakant Tukaram Nikam v. Municipal Corporation of Ahmedabad and Anr.](#) (2002) (2) SCC 542) and in [Scooters India and Ors. v. Vijai V. Eldred](#) (1998 (6) SCC 549).

"9. [Rajasthan SRTC v. Krishna Kant](#) (1995 (5) SCC 75) it was observed as follows:

"A speedy, inexpensive and effective forum for resolution of disputes arising between workmen and their employers. The idea has been to ensure that the workmen do not get caught in

the labyrinth of civil courts with their layers upon layers of appeals and revisions and the elaborate procedural laws, which the workmen can ill afford. The procedure followed by civil courts, it was thought, would not facilitate a prompt and effective disposal of these disputes. As against this, the courts and tribunals created by the [Industrial Disputes Act](#) are not shackled by these procedural laws nor is their award subject to any appeals or revisions. Because of their informality, the workmen and their representatives can themselves prosecute or defend their cases. These forums are empowered to grant such relief as they think just and appropriate. They can even substitute the punishment in many cases. They can make and re-make the contracts, settlement, wage structures and what not. Their awards are no doubt amenable to jurisdiction of the High Court under [Article 226](#) as also to the jurisdiction of this Court under [Article 32](#), but they are extraordinary remedies subject to several self-imposed constraints. It is, therefore, always in the interest of the workmen that disputes concerning them are adjudicated in the forums created by the Act and not in a civil court. That is the entire policy underlying the vast array of enactments concerning workmen. This legislative policy and intendment should necessarily weigh with the courts in interpreting these enactments and the disputes arising under them".

5. A similar view has also taken by the Supreme Court in the case of **Rajasthan State Industrial Development and Investment Corporation and another V. Diamond & Gem Development Corporation Limited and another, (2013) 5 SCC 470.**
6. Given the fact that claim raised by the petitioners arising out of the settlement under the provisions of the Industrial Disputes Act, this Court

is of the opinion that present writ petition as such would not be maintainable and petitioner would have to raise a claim before the appropriate authority under the Industrial Disputes Act for making a reference to the concerned Labour Court or Industrial Tribunal for redressal of the grievance that the petitioners have.

7. Reserving the right of the petitioners to approach the concerned authority under the Industrial Disputes Act, the present Writ Petition held is to be not maintainable.

Sd/-
(P. Sam Koshy)
Judge

Rohit