

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 6405 of 2019**

1. Hemant Kumar Chourasiya S/o Late Shri R.N. Chourasiya Aged About 38 Years Occupation T.C.O. (Electrical), Address li/ds/539 Kirandul District Dantewada Chhattisgarh., District : Dantewada, Chhattisgarh
2. Agheshwar Prasad Sahu S/o Shri Nohar Ram Aged About 38 Years Occupation - Senior Electrician Grade li, Address - li/ds/598 Kirandul District Dantewada Chhattisgarh., District : Dantewada, Chhattisgarh
3. Ravi Kumar S/o Shri Mahesh Kumar Soni Aged About 34 Years Occupation Senior Electrician Grade li, Address li/ds/554 Kirandul District Dantewada Chhattisgarh., District : Dantewada, Chhattisgarh
4. Anil Kumar Sahu S/o Shri Nohar Ram Aged About 41 Years Occupation Senior Electrician Grade li, Address li/ds/606 Kirandul District Dantewada Chhattisgarh., District : Dantewada, Chhattisgarh
5. Gopal Prasad S/o Shri Salik Ram Aged About 32 Years Occupation - Senior Electrician Grade li, Address li/ds/266 Kirandul District Dantewada Chhattisgarh., District : Dantewada, Chhattisgarh
6. Karampal Singh Andilya S/o Shri Charan Singh Aged About 43 Years Occupation Senior Electrician Grade li, Address li/ncds/74 Kirandul District Dantewada Chhattisgarh., District : Dantewada, Chhattisgarh
7. Akshya Kumar Jain S/o Shri V.K. Jain Aged About 39 Years Occupation Senior Electrician Grade li, Address li/ds/210 Kirandul District Dantewada Chhattisgarh., District : Dantewada, Chhattisgarh
8. Mukesh Kumar S/o Shir Kailash Patil Aged About 39 Years Occupation Senior Electrician Grade li, Address li/ds/204 Kirandul District Dantewada Chhattisgarh., District : Dantewada, Chhattisgarh
9. Ratan Manji S/o Shri Ramesh Manji Aged About 41 Years Occupation Senior Electrician Grade li, Address li/ds/196 Kirandul District Dantewada Chhattisgarh., District : Dantewada, Chhattisgarh
10. Ashok Kumar S/o Late Shri Rajaram Aged About 35 Years Occupation Senior Electrician Grade li, Address li/ds/568 Kirandul District Dantewada Chhattisgarh., District : Dantewada, Chhattisgarh
11. Leeladhar Bhuarya S/o Shri Tilak Ram Bhuarya Aged About 44 Years Occupation Senior Electrician Grade li, Address li/ds/553 Kirandul District Dantewada Chhattisgarh., District : Dantewada, Chhattisgarh
12. Nagendra Singh S/o Shri Narottam Singh Aged About 37 Years Occupation Senior Electrician Grade li, Address li/ds/206 Kirandul District Dantewada Chhattisgarh., District : Dantewada, Chhattisgarh
13. Pravakar Patnaik S/o Shri B.V.R. Patnaik Aged About 36 Years Occupation Senior Electrician Grade li, Address li/ds/187 Kirandul District Dantewada Chhattisgarh., District : Dantewada, Chhattisgarh
14. Oman Lal Gangrele S/o Subhe Ram Gangrele Aged About 40 Years Occupation Senior Tech. (Electronics) Grade I, Address li/ds/239 Kirandul District Dantewada Chhattisgarh., District : Dantewada, Chhattisgarh
15. Santosh Kumar S/o Late Shri Shivnath Prasad Aged About 36 Years Occupation Senior Electrician Grade li, Address li/ds/344 Kirandul District Dantewada Chhattisgarh., District : Dantewada, Chhattisgarh

16. Chandra Murari Mishad S/o Shri Nand Kumar Nishad Aged About 34 Years Occupation Senior Electrician Grade Ii, Address Ii/ds/418 Kirandul District Dantewada Chhattisgarh., District : Dantewada, Chhattisgarh
17. Lomesh Kumar Chowdhary S/o Late Shri T.D. Chowdhary Aged About 41 Years Occupation Senior Electrician Grade Ii, Address Ii/f/364 Kirandul District Dantewada Chhattisgarh., District : Dantewada, Chhattisgarh
18. Mukesh Kumar S/o Shri Duja Ram Aged About 31 Years Occupation Senior Electrician Grade Ii, Address Ii/ds/507 Kirandul District Dantewada Chhattisgarh., District : Dantewada, Chhattisgarh

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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.
2. General Manager Nmdc Limited, Production Units Bailadila Iron Ore Mines, Kirandul Complex, Post Office Kirandul, District Dantewada Chhattisgarh. 494556, District : Dantewada, Chhattisgarh
3. Chief Vigilance Officer Nmdc Ltd. 10-3-311/a, Castle Hills, Masab Tank, Hyderabad, 560028.

---- 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 is held to be not maintainable.

Sd/-
(P. Sam Koshy)
Judge

Rohit