

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (L) No. 210 of 2019

1. Dhani Ram Verma S/o Shri Kanhaiya Verma Aged About 37 Years
 2. Nandlal Patel S/o Shri Kartik Ram Patel Aged About 37 Years
 3. Nank Kumar Verma S/o Shri Vishal Ram Verma Aged About 36 Years
 4. Faguva Verma S/o Shri Ramdhun Verma Aged About 25 Years
 5. Mangal Das S/o Shri Kirtan Das Aged About 25 Years
 6. Bhagchand S/o Shri Budharu Verma Aged About 27 Years
 7. Bhuneshwar Verma S/o Bisnath Verma Aged About 25 Years
 8. Yogesh Yadav S/o Shri Pawan Yadav Aged About 25 Years
 9. Manoj Verma S/o Shri Chhannu Verma Aged About 30 Years
 10. Sham Singh Dhurve S/o Shri Budhram Dhurve Aged About 29 Years
 11. Teekam Verma S/o Shri Ram Kumar Verma Aged About 24 Years
 12. Amar Lal S/o Shri Rungu Ram Aged About 35 Years
 13. Manoj Patel S/o Shri Dhelak Patel Aged About 25 Years
 14. Sanjay Verma S/o Shri Panch Ram Verma Aged About 27 Years
- All are R/o Village Kulikala, Tahsil and Police Station Chhuikhadan, District Rajnandgaon Chhattisgarh.

---- Petitioner(s)

Versus

1. Executive Engineer Public Works Department, Division Khairagarh, District Rajnandgaon Chhattisgarh.
2. Sub Divisional Officer Public Works Department, Division Chhuikhadan, District Rajnandgaon Chhattisgarh.

---Respondents

For Petitioners	:	Shri Shikhar Sharma, Advocate.
For State	:	Shri Anshuman Shrivastava, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

01.10.2019

1. The challenge in the present Writ Petition is to the order passed by the Labour Court, Rajnandgaon in Case No. 35/ID Act/2017/Reference dated 11.04.2019(Annexure P-1). Vide the said impugned order, the Learned Labour Court has rejected the dispute holding it to be not maintainable, as the dispute has been raised in a group.
2. The cause of action under challenge before the Labour Court was the order of alleged termination of services, which took place in January, 2015

in respect of the workers who have raised the dispute. The finding of the Labour Court is that, since the dispute raised is an individual dispute, the same could not be questioned in a group. The Court finds that the petitioners have to challenge their respective order of termination independently.

3. The individual dispute cannot be raised in a group and has rightly been held to be not maintainable by the Labour Court. This Court is also of the opinion that the view expressed by the Labour Court is not in any manner bad-in-law. Moreover, the case has been held to be not maintainable on the technical ground of it being raised in a group, it would not preclude the individual worker including the petitioners in raising a new dispute before the appropriate Labour Court under the provisions of the Industrial Disputes Act, 1947.
4. Accordingly, reserving the right of the petitioners to raise their grievances individually before the concerned Labour Court, the present Writ Petition stands disposed off affirming the order passed by the Labour Court, Rajnandgaon.
5. It is made clear that subject to the petitioners raising their dispute individually, the award passed by the Labour Court dated 11.04.2019 in Case No. 35/ID Act/2017/Reference would not come in their way. Nor can it be construed from being barred under the principles of res-judicata.
6. With the aforesaid directions, the present Writ Petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge