

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPL No. 194 of 2019

1. Topu Ram Patel S/o Shri Dashrath Patel Aged About 25 Years R/o Village Korara, Tahsil And Police Station Chhuikhadan, District- Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh
2. Takesh Patel S/o Shri Prahlad Patel Aged About 25 Years R/o Village Pipla Kachhar, Tahsil And Police Station Khairagarh, District- Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh
3. Daleshwar Patel S/o Shri Prahlad Patel Aged About 24 Years R/o Village Pipla Kachhar, Tahsil And Police Station Khairagarh, District- Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Petitioner

Versus

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

---Respondents

For Petitioner	:	Mr. Shikhar Sharma, Advocate
For State	:	Mr. Anshuman Shrivastava, P.L.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

25/09/2019

1. The challenge in the present Writ Petition is to the order passed by the Labour Court, Rajnandgaon in Case No. 32/ID Act/2017/Reference dated 11.04.2019 Annexure P-1.
2. Vide the same impugned order, the Learned Labour Court has rejected the dispute holding it not to be maintainable, as the dispute has been raised in a group. The cause of action under challenge before the Labour Court was the order of alleged termination of service, which took place in January, 2015 in respect of the workers who have raised the dispute.
3. The finding of the Labour Court is that, since the dispute raised is an individual dispute could not be questioned in a group. The Court finds that the petitioners have to challenge their respective orders of termination independently, the

dispute is a dispute which cannot be raised in a group and has rightly been held to be not maintainable. This Court is also of the opinion that, the views expressed by the Labour Court is not in any manner bad-in-law.

4. Moreover, the case has been held to be non-maintainable on the technical ground of it being raised in a group it would not preclude the individual worker including the petitioner in raising a new dispute before the appropriate Labour Court under the provisions of the Industrial Disputes Act, 1947.
5. Reserving the right of the petitioners to raise their grievance individually before the concerned Labour Court.
6. The present Writ Petition stands disposed off affirming the order passed by the Labour Court. It is made clear that subject to the petitioners raising their dispute individually this award passed by the Labour Court dated 11.04.2019 in Case No. 32/ID Act/2017/Reference would not come in their way nor it can be construed from being barred under the principles of *res-judicata*.
7. With the aforesaid directions, the present Writ Petition stands disposed-off.

Sd/-
(P. Sam Koshy)
Judge

Ved