

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4332 of 2020

1. Rajkumar Kurre S/o Latkhor Aged About 46 Years Presently Working As Daily Wager At MARKFED Paddy Storagr Centre Selud District Durg Chhattisgarh
2. Jawahar Lal Sahu S/o Genduram Aged About 49 Years Presently Working As Daily Wager At MARKFED Paddy Storage Centre Selud District Durg Chhattisgarh.
3. Thakur Das Vaishnav S/o Mahavir Das Aged About 46 Years Presently Working As Daily Wager At MARKFED Paddy Storage Centre Selud District Durg Chhattisgarh
4. Umesh Kumar Sinha, S/o Komal Prasad Aged About 40 Years Presently Working As Daily Wager At MARKFED Paddy Storage Centre Selud District Durg Chhattisgarh
5. Mahendra Kumar S/o Loknath Sahu Aged About 40 Years Presently Working As Daily Wager At MARKFED Paddy Storage Centre Selud District Durg Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh Through Secretary Department Of Cooperative Mantralay Mahanadi Bhawan Atal Nagar, Naya Raipur District Raipur Chhattisgarh.
2. Chhattisgarh State Cooperative Marketing Federation (MARKFED) Through Its Managing Director Sixth Floor Tower C Commercial Complex CBD, Sector 21 Atal Nagar District Raipur Chhattisgarh.

---- Respondents

For Petitioners : Shri Sushobhit Singh, Advocate.

For Respondents/State : Smt. Richa Shukla, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

ORDER

28/10/2020

Heard.

1. Learned counsel for the petitioners submits that the petitioner No.1 is working since 1992, petitioners No.2 to 4 are working since 1995 and petitioner No.5 is working

since 2005-2006 and all of a sudden respondent No.2 has floated tender whereby their work are required to be handed over to the placement agency thereby the condition of employment would be changed. He would submit that the petitioners have challenged the policy of the State itself whereby tender have been floated to engage placement agency to discharge the job. He would submit that as the per seniority list (Annexure P-2) which is attached it would reveal that the petitioners are working since 1992, 1995 & 2005-2006 and prayed that the tender notice which has been advertised may be stayed.

2. Learned State counsel opposes the argument.

3. The primary reading of the pleading and the document attached would show that a dispute has arose in respect of the terms of the employment of the petitioners with respondent No.2. Since Chhattisgarh State Co-operative Marketing Federation would be governed by the Chhattisgarh Co-operative Societies Act, 1960 in the opinion of this court as per Section 55 (2) the Registrar would be the competent authority to determine the condition of employment in the Society. Section 55 (2) postulates that wherein dispute regarding terms of employment working condition etc. arose between society and its employee Registrar or any officer appointed by him shall decide the dispute. Therefore nature of dispute which has been raised before this court certainly will require evidence and finding of fact about each of the petitioners which would require evidence, therefore the court in exercise of power under Article 226 of Constitution of India cannot make roving enquiry to ascertain a fact. Since statutory remedy is already provided under the Chhattisgarh Co-operative Societies Act, 1960, I am not inclined to entertain this petition.

4. Accordingly, the petition is dismissed.

Sd/-

(Goutam Bhaduri)

Judge