

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 348 of 2021**

1. Mukund Ram Arya S/o Shri J.R. Arya Aged About 53 Years R/o Village-Khatta, Po Khatta, Patewa, Ps, Thasil And District- Mahasamund, CG
2. Kamlesh Shrivws S/o Late Milap Shriwas Aged About 52 Years R/o Nayapara, Village (Bodri), Ward No. 4, Chakrabhata (Po), Chakrabhata (Ps), Bilha Tahsil, Bilaspur , Chhattisgarh
3. Atal Bihari Twari S/o Sujaj Prasad Tiwari Aged About 43 Years R/o Jonki Village, Post Jonki, Sakri Ps, Takhatpur Tahsil, Bilaspur Chhattisgarh
4. Ashok Kumar Shukla S/o Bhau Ram Shukla Aged About 49 Years R/o Menoha Village, Said Po, Chakrabhata Ps, Takhatpur Tahsil, Bilaspur Chhattisgarh
5. Dhannu Das Manipuri S/o Late Artidas Aged About 53 Years R/o Bodsara Village, Hirri Mines Po, Hirri Ps, Takhatpur, Tahsil, Bilaspur , Chhattisgarh
6. Ram Nath Tandon S/o Dharam Das Aged About 38 Years R/o Gandwari Village, Po Sodahi Marathi, Pathariya Ps And Tahsil Mungeli i, Chhattisgarh
7. Dileshwar Prasad Kaushik S/o Bhiya Ram Kaushi Aged About 49 Years Village Mendra, Po Said, Chakrabhat Ps, Takhatapur Tahsil, Bilaspur , Chhattisgarh
8. Lallu Yadav S/o Rampati Yadav Aged About 53 Years R/o Banak Chowk, Ward No. 15, Sirgitti, Bilaspur Dist, Cg State., Chhattisgarh
9. Baldev Prasad Kaushik S/o Manharan Lal Kaushik Aged About 42 Years R/o Chhatouna, Po Hirrimines, Chakrtabhata Ps, Takhatpur Tahsil, Bilaspur , Chhattisgarh
10. Mahendra Kumar Yadav S/o Ramaya Singh Yadav Aged About 47 Years R/o Pahad Bachhali Po Genganmado, Belgana Ps, Kota Tehsil, Bilaspur Chhattisgarh
11. Har Prasad Manhar S/o Hiran Rram Manhar Aged About 53 Years R/o Sewati Village Bartari Po Bilha Ps, Bilha Tahsil, Bilaspur , Chhattisgarh
12. Krishna Murat Pathak S/o Kedar Nath Pathak Aged About 52 Years Ward No. 5, Adarh Nagar, Sirgitti, Bilaspur, Chhattisgarh

---- Petitioners

Versus

1. Bharat Eearth Movers Limited (Beml) Sector-C, Sirgitti, Bilaspur, Bilaspur , Chhattisgarh
2. M/s Benmen And Associates House No. C, Sector C, Marodda, Bhilai Nagar, Durg Durg , Chhattisgarh
3. Shrei Barfani Security Services 1159, Napier Town, Tandon Compound, Near Home Science College, Jabalpur, Jabalpur, Madhya Pradesh

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For Petitioner	:	Shri K R Nair, Advocate
For State/Respondents	:	Shri N K Vyas Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****01.02.2021**

1. The grievance of the petitioners in the present writ petition is the alleged change of contractor by the respondent No. 1 and thereby putting an abrupt end of the services of the petitioners.
2. The facts of the case is that, the respondent No. 1 is a Central Government Public Sector Undertaking and the Respondent No. 2 is a Security Contractor who was providing the security service to the respondent No. 1 for last more than 20 years. Abruptly now in December 2020, the said Contract has been discontinued and a new contract has now been awarded to the respondent No. 3.
3. The contention of the petitioners is that by changing of the contractor, the services of the petitioners stand discontinued from January 2021 onwards. That before discontinuance, they have not been paid any compensation for the abrupt discontinuance, nor they were issued with a notice as such. The petitioners have approached this Court seeking

for a direction to the respondent No.1 & 3 to continue the services of the petitioners, as respondent No. 3 also in any case would be requiring staff to operate the contract awarded and the petitioners have sufficient experience of discharging their duties at the respondent No. 1's establishment.

4. Counsel for the respondent No. 1 at this juncture submits that, the petitioners herein have already initiated a conciliation proceedings before the Labour Officer at Bilaspur and the conciliation proceedings is going on. Since the matter is already seized under conciliation, the Writ Court at this juncture should not exercise the writ jurisdiction rather the writ petition should be rejected for having availed the alternative statutory remedy.
5. Learned counsel appearing for the petitioner at this juncture submits that it has been more than a month, the conciliation proceedings is going on however no substantial progress has been made in this conciliation proceedings and the matter is getting adjourned for no reason.
6. Considering the fact that the matter is already seized in conciliation under the provision of the Industrial Dispute Act before the Conciliation Officer, it would not be appropriate at this juncture for this High Court to exercise the Writ Jurisdiction and entertain the writ petition on its merits.
7. Considering the fact that the conciliation proceedings have already begun, the writ petition at this juncture stands disposed of with a direction to the Conciliation Officer, though he is not a party in the

present writ petition, to ensure that the conciliation proceedings concludes within a further period of 30 days and if it ends in a failure the failure report be sent to the Central Government immediately for them thereafter to make necessary reference to the concerned Court of Tribunal for adjudication

8. Meanwhile, the petitioners would be at liberty to approach the respondent No. 1 who in-turn can consider the claim of the petitioners sympathetically for a direction to the respondent No. 3 to accommodate the petitioners as far as possible.
9. The aforesaid observation is, without touching any of the claim of the petitioners or for that matter, the rights of the respondents No. 2 & 3 on merits.

The Writ Petition accordingly stands disposed of.

Sd/-

P. Sam Koshy
Judge