

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPL No. 8 of 2021**

1. National Front Of Indian Trade Unions (DHN), (A Central Trade Union Organization Recognized By Government Of India Vide Order No. L-52025/20/2003-IR) Having Its Office At Vidya Nagar, Bilaspur (C.G.), Through - Its President - Dr. Deepak Jaiswal S/o Late Shri Ramswarup Jaiswal, Aged About - 59 Years, R/o Vidya Nagar, In Front Of Apollo Pharmacy, Bilaspur, Police Station - Tarbahar, District - Bilaspur Chhattisgarh
2. Rashtriya Colliery Mazdoor Congres (Regd. No. 22 Of 1948), A Trade Union Having Its Head Quarter At B/21-22, Indira Vihar, Seepat Road, Bilaspur (C.G.), Through - Its Office Bearer - Ishwar Singh Chandel (At Present Working President No. 1) S/o Late Shri Guljar Singh, Aged About - 45 Years, R/o Kududand Bilaspur, Police Station - Civil Lines Bilaspur, District - Bilaspur Chhattisgarh.

---- Petitioners**Versus**

1. Union Of India, Through - The Secretary, Ministry Of Coal, Shashtri Bhawan, New Delhi.
2. The Cabinet Secretary, The Government Of India, New Delhi.
3. The Secretary, The Government Of India, Ministry Of Coal, Shashtri Bhawan, New Delhi.
4. Coal India Limited Through - The Chairman, Coal Bhawan, Premise No. 04 Mar, Plot No. - AF-III, Action Area - 1A, Newtown, Rajarhat, Kolkata - 700156.
5. South Eastern Coalfields Limited Through - The Chairman Cum Managing Director, South Eastern Coalfields Limited, Seepat Road, Bilaspur Chhattisgarh

---- Respondents

For Petitioners	:	Mr. Rishi Rahul Soni, Advocate
For Respondent No.1	:	Mr. Ramakant Mishra, Asst. S.G.
For Respondent-SECL	:	Mr. Pankaj Agrawal, Advocate

Hon'ble Shri Justice P. Sam Koshy
Order on Board

18/02/2021

1. The present writ petition has been filed commanding the respondents No. 1 to 4 to take appropriate steps in ensuring the

compliance of the instructions issued of the Government of India, Ministry of Labour (Annexure P/1 & P/2) issued by the respondents No. 2 & 3.

2. At the outset, this Court is of the opinion that the writ petition would not be sustainable for the reason that from the plain reading of the contents of the writ petition there does not appear to be any right of the petitioner, which stands infringed or adversely affected calling for a judicial review invoking Article 226 of the Constitution of India. It is settled position of law that for the purpose of filing of the writ petition before a High Court, it is always the aggrieved person who has to come, if the order which has been passed by the respondents has an adverse consequence.
3. In the instant case there does not appear to be any such order. It appears that the Petitioner Union herein has come up seeking for compliance of the instructions, which has been issued on the administrative side by the Union of India to all the public sector undertakings. In case if there is any non-compliance of the said order, it is for the respondent No.1-the Union of India, who has to take appropriate action, so far as non-compliance of the instructions are concerned. The petitioner as such cannot rake up the issue on behalf of the Union of India, when the Union of India itself is not aggrieved of the same.
4. Moreover, the right of the petitioner to take this ground would always be open in a case where the petitioner union has been entrusted to represent in a case of a worker or a union in a writ petition that is filed by the Management of SECL against an award passed by the

Tribunal. The petitioner cannot be permitted to file a writ petition itself, for the enforcement of the General Instruction, which has been issued by the Government of India on the administrative side particularly when the instructions do not have any force of law.

5. Reserving the rights of the petitioner to take these grounds in an appropriate case, where the petitioners are entrusted on behalf of the worker or the union. The writ petition at this juncture stands rejected.

Sd/-
(P. Sam Koshy)
Judge

Ved