

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (L) No. 29 of 2021

1. Bharat Aluminium Employees Union (CITU) Through Deputy General Secretary, Shri Rajeev Sharma S/o Late Arun Kumar Sharma Age About 40 Years, R/o 256/1/B, Balco Nagar, Korba Police Station Balco Nagar, District Korba Chhattisgarh.

---Petitioner(s)

Versus

1. S.N. Banarjee S/o Shri Sambhunath Banarjee General Secretary, Bharat Aluminium Employess Union, R/o Shailendra Shaili Bhawan, Gurudwara Road, Sector - 6, Type - 2, Balco Nagar, Police Station Balco Nagar, District Korba Chhattisgarh.
2. Sukhendu Ghosh S/o Late Shri S. Ghosh Ex - President, Bharat Aluminium Employees Union, R/o 124 Sector -1, Balco Nagar, Police Station District Korba Chhattisgarh.
3. Amit Gupta S/o Late Shri Rajesh Gupta Ex - Deputy General Secretary, Bharat Aluminium Employees Union, R/o 496- A5 Balco Nagar, Police Station Balco Nagar, District Korba Chhattisgarh.
4. Bharat Aluminium Employees Union Registration No. 4124, Shailendra Shaili Bhawan, Gurudwara Road, Sector 6, Type 2, Balco Nagar, Police Station Balco Nagar, District Korba Chhattisgarh.
5. Bharat Aluminium Company Limited Through General Manager, Police Station Balco Nagar, Korba Chhattisgarh.
6. Registrar Of Trade Unions Block No. 3, Second Floor, Indravati Bhawan, Naya Raipur, District Raipur Chhattisgarh.

---Respondents

For Petitioner	:	Shri Anup Majumdar, Advocate.
For Respondent No.5	:	Shri Abhishek Sinha, Sr. Advocate along with Shri Samrat Singh Marhas, Advocate.
For Respondent No.6	:	Shri Ayaz Naved, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

18.08.2021

1. The present writ petition has been filed assailing the order dated 23.11.2017 passed by the Industrial Court Bench at Bilaspur in case No.02/ITUA/I/2017.
2. At the outset this court finds that the writ petition suffers from delay laches for the reason that the order under challenge Annexure P/1 is one which was passed in November, 2017 and the present writ petition to challenge the same has been filed in March, 2021 i.e. after a period of more than 3

and ½ years. From the proceedings it also reflects that one of the parties to the proceeding before the Industrial Court had already challenged the said order before this court vide WPL No.61 of 2018 in his individual capacity and the said person namely Shri R.D. Chandra subsequently has withdrawn the writ petition on 22.02.2021. The petitioners herein were only interveners in the said writ petition. The petitioners of their own never intended to challenge the order of the Industrial Court at any point of time. Moreover, from the proceedings before the Industrial Court it reflects that the petitioners were nonetheless contesting respondents in the said case before the Industrial Court, even then the petitioners for the reasons best known did not think it proper to challenge the same. Therefore, at this stage after a period of around 3 ½ -4 years it would not be proper for this court invoking the writ jurisdiction under Article 226 of the Constitution of India to entertain the present writ petition to test the veracity of an order that was passed 3 and ½ years back.

3. Since at the time of withdrawal of WPL No.61/2018 the right of the petitioner as an intervener stood protected for availing appropriate remedies, the said liberty still stands good for the petitioner for availing appropriate remedies open to them under law before the concerned authorities or court ventilating their grievances.
4. The writ petition accordingly with the aforesaid liberty stands disposed of on the ground of delay laches itself.
5. It is made clear that this court has not expressed any opinion so far as merits of the case is concerned.

Sd/-
(P. Sam Koshy)
Judge