

31.01.2025
Court No.13
Item No.13
pk

MAT 305 of 2024

**Sri Buddhadev Maity
Vs.
Union of India & Ors.**

Mr. Saptansu Basu, Sr. Adv.,
Mr. Ayan Banerjee, Adv.

... For the Appellant.

Mr. Shiv Charan Prasad

... For the P. F. Authority.

Ms. Sharmistha Ghosh
Mr. Victor Chatterjee

... For the IOCL.

1. The question that comes for consideration in the instant appeal is the propriety of the decision of the Single Bench dated 18.12.2023. The Single Bench has held that the principal employer/IOCL is not liable to pay the difference between the wages paid by the contractor to the writ petitioner/appellant and the actual wages paid to similarly situated employees in the IOCL.

2. Having considered the entire judgement, this Court is of the view that the issue as to whether the writ petition ought to have been entertained at all by the Single Bench, in view of the efficacious alternative statutory remedy available under the provisions of the Industrial Disputes Act, 1947 has not been gone into.

3. This Court is of the clear view that since the authorities under the Industrial Disputes Act have

appropriate avenues for conciliation and subsequent reference to an industrial tribunal, in the event of failure of conciliation and the power to call for oral and documentary evidence and also conduct a trial by evidence, the Fora under Industrial Disputes Act, 1947 are a mere efficacious remedy and should have been approached first.

4. In view of the above, the impugned judgement and order dated 18.12.2023 shall stand set aside.

5. Parties may approach the Industrial Tribunal with an appropriate application and have the same dealt with in accordance with law.

6. If an application, as indicted above, is made within one month from date by the appellant/writ petitioner, the same may be disposed of by the Tribunal as expeditiously as possible preferably within a period of six months from date.

7. With the aforesaid observations, the instant appeal is disposed of.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)