

(2025) 09 CHH CK 0453
In the Chhattisgarh High Court
Case No : W.P.(L) No. 194 Of 2025

Bharat Aluminum Company Limited

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision : 16-09-2025

Acts Referred:

Constitution of India, 1950 — Article 227
Industrial Dispute Act, 1947 — Section 10

Citation : (2025) 09 CHH CK 0453

Hon'ble Judges : Sachin Singh Rajput, J

Bench : Single Bench

Advocate : Manoj Paranjpaye, Rishabh Gupta, Rajkumar Gupta

Final Decision : Dismissed

Judgement

Sachin Singh Rajput, J

1. This writ petition has been filed under article 227 of the Constitution of India by the petitioner seeking for the following relief :

1. That, this Hon'ble Court may kindly be pleased to issue a writ/writs, order/orders, direction/directions and the impugned order dated 05.08.2025 (Annex.P/1) passed in Case No. 02/IDAct/2025 (R) in the matter of Shri Navratan Bareth v/s. Balco, may kindly be set-aside and the Hon'ble Court may kindly be pleased to set-aside the entire proceedings/statement of claim pending before the Labour Court Korba bearing No. 02/IDAct/2025 (R).

2. That, this Hon'ble Court may kindly be pleased to grant any other relief(s), which is deemed fit and proper in the aforesaid facts and circumstances of the case.

2. Learned counsel for the petitioner submits that about 21 employees of the petitioner were transferred from Balco Chotiya Mines, District Korba to Barra Coal Block, Sakti vide order dated 09/09/2024, 18 of them have complied the order

and joined the respective place of posting and 3 employee have not complied the order of transfer and thereafter application for cancellation was filed before the Additional Labour Commissioner, Korba (for short "ALC") (Annexure P/2) for conciliation between the parties, the conciliation has failed. Therefore, the matter was referred by the ALC to Labour Court, Korba. The case was registered as reference case under Section 10 of Industrial Dispute Act, 1947. Thereafter, the notices were issued to the petitioner by the Labour Court. In the meanwhile, as the three employees have not complied with the transfer order, a departmental enquiry was initiated and show-cause notices and charge-sheet were also issued. Thereafter, an interim application was filed by the Union before the pending case at Labour Court, Korba and by the impugned order dated 05/08/2025, the learned Labour Court passed an order (Annexure P/1) of status-quo with respect to the Departmental Enquiry being conducted against the delinquent employees against which this writ petition has been filed.

3. Learned Counsel for the petitioner submits that the impugned order passed by the learned Labour Court is absolutely illegal and bad in law. He further submits that individual employees has not approached the Labour Court, therefore blanket order of status-quo cannot be passed by the learned Labour Court. The case before the Labour Court in respect to the transfer of 03 employees but the same, the learned Labour Court has passed an order of status-quo with respect to Departmental Enquiry. Therefore, this writ petition may be admitted and notices may be issued to the respondents.

4. Learned Additional Advocate General submits that though the dispute between the petitioner and private respondent and no relief has been claimed against the State. However, he submits that the petitioner has an opportunity to file an application for vacating the interim order and they may file the reply along-with the objection of maintainability of the reference before the Labor Court on behalf of Union of the Labours.

5. I have heard learned counsel for the parties and perused the appended record.

6. Be that, as it may, the impugned order simply states that status-quo with regard to Departmental Enquiry being conducted against the Labor by the second party. The case is still pending before the learned Labour Court and petitioner was directed to file the reply of the said application and also to reply of the the statement of the claim file by the Union. The petitioners has all the opportunity to reply to the interim Application as well as the statement of the claim and take objections which has been taken before this Court. Prima-facie, this Court at this stage does not find any irregularity or illegality in passing the impugned order. Therefore, this Court is not inclined to exercise the jurisdiction under article 227 of constitution of India by interfering in the impugned order.

7. Consequently, this writ petition is dismissed at the admission stage itself. However, liberty is reserved in favour of the petitioner to raise all such objection as raised in this petition before the learned Labour Court which would be decided

by it in accordance with Law.