
(1985) 10 PAT CK 0013

In the Patna High Court

Case No : C.W.J. Case No's. 973 and 1515 of 1982

Bindeshwar Sah and Others

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 07-10-1985

Acts Referred:

Industrial Disputes Act, 1947 — Section 10, 25G, 25H

Citation : (1986) 34 BLJR 457 : (1985) PLJR 1018

Hon'ble Judges : S.S. Sandhawalia, C.J;S.B Sanyal, J;B.P. Jha, J

Bench : Full Bench

Judgement

S.S. Sandhawalia, C.J.—In this set of two connected writ petitions it becomes unnecessary to delve into details for reasons given hereinafter. The facts being closely similar, if not identical, may be noticed with brevity from C.W.J.C. No. 1515 of 1982.

2. The fortyfour petitioners herein were employed as casual labourers in the project of the conversion of the meter gauge line into broad gauge line from Sanepur to Barabanki in the Varanasi Division of the North Eastern Railway. They claim to have been continuously so employed from different dates in the year 1980 Their services were terminated with effect from the 15th of April, 1982 by the impugned order of the Executive Engineer dated the 15th of March, 1982 (vide annexure-1). Aggrieved thereby the present writ petition has been preferred on the i4th April, 1982, primarily invoking the contravention of Section 25-G and 25-H of the Industrial Disputes Act. Later, the North Eastern Railway Mazdoor Union had prayed to be added as one of the petitioners to the writ application which was allowed by the order of this Court on the 14th of February, 1985.

3. These two petitions had originally come up for hearing before a Division Bench. In the wake of the Full Bench judgment in Dinesh Prasad Mandal and Ors. v State of Bihar and Ors. C.W.J.C. 5377 of 1983 decided on the 16th November 1984 a preliminary objection was raised on behalf of the respondents that the

provisions of the Industrial Disputes Act provide an adequate and efficacious legal remedy for the enforcement of rights created thereunder and the petitioners should first exhaust the remedies under the said Act before seeking relief in the writ jurisdiction. Consequently, two significant questions namely, whether the bar of an alternative statutory remedy would be attracted in the case of writ petitions which have already been admitted to hearing and as to the precise stage when a suitor can be said to have exhausted his statutory remedy u/s 10 of the Industrial Disputes Act. were referred for consideration by a larger Bench on the 28th of November, 1984.

4. It is common ground before us that all issues in these cases now stand eclipsed by the recent judgments of their Lordships of the Supreme Court in *Inder Pal Yadav and Ors. v. Union of India* and Ors. 1985 P.L.J.R. 36. and *Prahlata Singh and Ors. v. Union of India, etc.* 1985 P.L.J.R. 39. Learned Counsel are agreed that the cases of the petitioners are covered on all fours by the aforesaid judgments. In accordance therewith, we hereby direct the respondents to dispose of the cases of the petitioners in conformity with the scheme prepared by the Railway for the absorption of casual project labours as modified by the judgments aforesaid and the directions given therein. The writ petitions are disposed of accordingly and there will be no order as to cost.