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**(2009) 07 JH CK 0131**  
**In the Jharkhand High Court**

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| Malti Devi (Ms.)                            | Vs | APPELLANT  |
| Management of I.E.S. India Ltd. and Another |    | RESPONDENT |

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**Date of Decision :** 24-07-2009

**Acts Referred:**

Industrial Disputes Act, 1947 — Section 25F, 25G, 25N

**Citation :** (2009) 123 FLR 926 : (2010) 2 LLJ 547

**Hon'ble Judges :** Narendra Nath Tiwari, J

**Bench :** Single Bench

**Final Decision :** Dismissed

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## Judgement

N.N. Tiwari, J.—In this writ petition the petitioner has prayed for quashing the award dated November 28, 2008 passed in Reference Case No. 2/2002 by the Industrial Tribunal, Ranchi.

A dispute arose on the basis of an application of the workmen, which was referred to the said Tribunal for adjudication. The term of the reference was as follows:

Whether the retrenchment of Sarvashri Paramand Prasad, Paras Nath Singh and (sic)urendra Prasad Singh by the management of I.E.S. India Limited, Gomia works is justified? If not, what relief those workmen are entitled to?

2. Before the Tribunal both the parties appeared and filed their respective written statements.

3. The case of the management was that certain workmen were retrenched u/s 25-N of the Industrial Disputes Act on following the prescribed procedure and after obtaining permission from the competent authority under the Act. It was stated that under the said provision the order becomes final subject to the provision of Sub-section (6) of Section 25-N of the I.D. Act. The concerned workmen did not avail opportunity of filing review provided under Sub-section (6) of Section 25-N of the I.D. Act. The order, thus, becomes final and binding

and the same is not assailable. There is no scope for raising any dispute against the same.

4. Learned Tribunal, after hearing the parties and considering the materials and evidences on record, found that the concerned workmen were retrenched under the provisions of Section 25-N of the I.D. Act, which is special provision under Chapter VB and held that compliance of Section 25-F and Section 25-G of the I.D. Act is not required. The concerned workmen had liberty to file review under the provisions of Sub-section (6) of the Section 25-N of the I.D. Act, but the same was also not availed. In view of the above he held that the concerned workmen are not entitled to any relief.

5. The grounds raised in this writ petition are all related and relevant only for the purpose of the case of retrenchment u/s 25-F of I.D. Act, which has got no application in the instant case, as the concerned workmen were retrenched under the provisions of Section 25-N of the I.D. Act.

6. The award of learned Tribunal is well discussed and properly reasoned. I find no point made out for interfering with the same in exercise of writ jurisdiction.

This writ petition is, accordingly, dismissed.