
(2018) 11 UK CK 0224

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 3511 Of 2018

M/s Shivam Autotech Limited

APPELLANT

Vs

State Of Uttarakhand & Others

RESPONDENT

Date of Decision : 27-11-2018

Acts Referred:

Citation : (2018) 11 UK CK 0224

Hon'ble Judges : Sudhanshu Dhulia, J

Bench : Single Bench

Advocate : Sudhir Kumar, Yogesh Pandey

Final Decision : Dismissed

Judgement

Sudhanshu Dhulia, J.

1. Petitioner is a Company which is in the business of manufacturing of automobile parts and which is situated at Plot No.3, Industrial Park - II, Phase - I, Village Salempur Mehdood, District Haridwar.

2. The case of the petitioner before this Court is that the workers in the factory are raising "Dharna Pradarshan" for the demand of higher wages in the factory, for which the following prayer has been made by the petitioner:-

"1. To issue a writ, order or direction in the nature of mandamus directing respondent nos.1 to 4 to restrain the employees and their associates from obstructing the ingress & egress of any officer, willing workmen, employees etc. in to and out of the petitioner's officer, installations, establishments etc. and may further direct the respondents to restrain the employees and other persons from holding any meetings, gathering within 500 meters of the outer radius of the petitioner's premises.

2. To issue a writ, order or direction in the nature of mandamus directing the respondents to ensure the safety and security of the employees working in the petitioner's factory and further to ensure that the erring employees do no resort

to destruction of petitioner's factory, raw material or manufactured and finished goods.

3. To issue any other suitable order or direction as this Hon'ble court may deem fit and proper under the facts and circumstances of the case."

3. This matter cannot be looked into by this Court in a writ petition as it is purely concerned with industrial dispute. The petitioner would be at liberty to approach appropriate authorities under the Industrial Disputes Act, 1947/U.P. Industrial Disputes Act, 1947.

4. The provision relating to strikes and lockouts are given in Chapter V of the Industrial Disputes Act, 1947, if it is an illegal strike. The petitioner has remedy to take recourse under the Industrial Disputes Act, 1947 as well as provision to refer the matter to the appropriate Government, Labour Court or Industrial Tribunal. In the first instance this matter cannot be looked into by this Court in a writ petition.

5. Consequently, the writ petition stands dismissed.