

(1999) 09 MP CK 0043
In the Madhya Pradesh High Court
Case No : M.P. No. 3126 of 1988

Radheshyam Dewangan and Others

APPELLANT

Vs

South Eastern Coalfields Ltd. and Others

RESPONDENT

Date of Decision : 02-09-1999

Acts Referred:

Constitution of India, 1950 — Article 226, 227

Citation : (2001) 3 LLJ 1271

Hon'ble Judges : C. Kumar Prasad, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

C.K. Prasad, J.—Petitioners are aggrieved by increase in their working hours from 6 1/2 hours to 8 hours as also reduction in the number of paid holidays. It is the grievance of the petitioners that the aforesaid changes in conditions of service have been done without giving any notice of change and the same has adversely affected their conditions of employment. They seek quashing of the same in the present writ petition filed under Articles 226 and 227 of the Constitution of India.

2. Mr. Rajendra Menon appearing on behalf of the respondents submits that increase in working hours as also decrease in number of paid holidays, are disputes in relation to which petitioners have remedy under the provisions of the Industrial Disputes Act. He further points out that several other Unions have raised similar disputes and on reference, same are pending for adjudication before the Central Government Industrial Tribunal, Jabalpur, and other Tribunals.

In such a situation, Mr. Menon contends that writ petition is not an appropriate remedy.

3. Having heard Sri Gupta for the petitioners and Sri Menon, for the respondents, I am of the opinion that dispute raised in the present case, cannot be appropriately dealt with in a writ petition filed under Articles 226 and 227 of the Constitution of India. On this ground alone, I am not inclined to enter into the

merits of the case. Petitioner, if so advised, may raise an industrial dispute or may intervene in the reference already pending for adjudication before the Industrial Tribunal. View which I have taken finds support from a judgment of this Court dated October 30, 1995 passed in W.P. No. 497/1993.

4. Writ Petition stands dismissed with the aforesaid observation. No cost. Security amount, if deposited, shall be refunded to the petitioner.