
(2021) 01 UK CK 0002

In the Uttarakhand High Court

Case No : Special Appeal No. 662, 660 Of 2019

Uttam Sugar Mills Ltd. Libberheri, Roorkee, Haridwar

APPELLANT

Vs

State Of Uttarakhand & Others

RESPONDENT

Date of Decision : 04-01-2021

Acts Referred:

Uttar Pradesh Industrial Disputes Act, 1947 — Section 3(b)

Citation : (2021) 01 UK CK 0002

Hon'ble Judges : Ravindra Maithani, J

Bench : Single Bench

Advocate : Dharmendra Barthwal, K.N. Joshi, M.C. Pant

Final Decision : Dismissed

Judgement

1. Aggrieved by the common order dated 17.05.2019 passed by the learned Single Judge in dismissing Writ Petition No.134 of 2013 (M/S) as

infructuous and disposing off Writ Petition No.362 of 2017 (M/S), the appellant-writ petitioner have filed Special Appeal Nos.662 of 2019 and 660 of

2019 respectively.

2. Writ Petition No. 134 of 2013 (M/S) was disposed of in the following terms:

â??3. In the writ petitions pertaining to the year 2013 i.e. Writ Petition (M/S) No. 134 of 2013, Writ Petition (M/S) No. 145 of 2013, Writ

Petition (M/S) No. 155 of 2013 and Writ Petition (M/S) No. 189 of 2013, the order dated 08.09.2012 passed by the State Government under

Section 3(b) of the U.P. Industrial Disputes Act, 1947 increasing the wages of the workers of the sugar factory has been challenged. No

order is being passed in these writ petitions. For all practical purposes these writ petitions have become infructuous. The reason being that

during the pendency of these writ petitions, another order dated 29.12.2016 has been passed by the State Government under Section 3(b) of the U.P. Industrial Disputes Act, 1947, which is also under challenge.

4. Consequently, Writ Petition (M/S) No. 134 of 2013, Writ Petition (M/S) No. 145 of 2013, Writ Petition (M/S) No. 155 of 2013 and Writ Petition (M/S) No. 189 of 2013 are dismissed as having been rendered infructuous.

3. On considering the reasons, we are of the considered view that there is no error committed by the learned Single Judge. Since a subsequent order has been passed by the State Government, necessarily, the writ petition has become infructuous. Hence, we do not find any good reason to interfere in Special Appeal No. 662 of 2019. Consequently, the said appeal is dismissed.

4. So far as Writ Petition No. 362 of 2017 (M/S) is concerned, the same was disposed off as follows:

7. Two years have already passed since these wages have been determined. There is a serious challenge as to the wrong calculation done by

the State, which has to be looked into. Without interfering with the impugned order, the matter is sent back to the State Government, who

shall hear all the concerned parties and pass an appropriate order. Let a decision be taken within a period of two months from the date of

production of a certified copy of this order. It is also advisable for the State Government to consider formation of a wage board, which shall

look into the aspect of wages, as that will be in the interest of the State Government as well as the workers.

8. Writ Petition (M/S) No. 298 of 2017 and Writ Petition (M/S) No. 362 of 2017 stand disposed accordingly.

5. Since the matter is sent back to the State Government to hear all the concerned parties and pass appropriate orders, we do not find any good

ground to interfere with order passed by the learned Single Judge. Hence, on this ground, Special Appeal No. 660 of 2019 is liable to be dismissed.

6. For the aforesaid reasons, both the appeals are dismissed.

7. Pending applications stand disposed-off accordingly.