

(1990) 07 SC CK 0010

In the Supreme Court Of India

Case No : Civil Appeals No's. 803-804 of 1981

Uttar Pradesh Bijli Karamchari Sangh and another	APPELLANT
Vs	
Uttar Pradesh State Electricity Board and others	RESPONDENT

Date of Decision : 11-07-1990

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : AIR 1990 SC 2139

Hon'ble Judges : S. C. Agrawal, J;Ranganath Misra, J;M. M. Punchhi, J

Bench : Full Bench

Final Decision : Allowed

Judgement

1. These are appeals by special leave and are directed against the dismissal of the writ petitions before the Allahabad High Court on the view that while alternate remedy under the Industrial Disputes Act was available and therefore jurisdiction under Article 226 of the Constitution was not invocable.

2. At the time the High Court of Allahabad refused to entertain the writ petitions under Article 226 of the Constitution, the provision has an amendment to the effect that where alternate remedy was available, the High Court would not have jurisdiction to entertain an application under that Article. It is true that subsequent to the decision of the High Court the restriction introduced by way of amendment has been withdrawn.

3. Mr. Manoj Swarup raised two contentions :

(i) relief under the Industrial Disputes Act was not an alternate remedy; and

(ii) in view of the fact that about 800 workmen have been out of employment for more than 12 years, direction should be given to the U. P. State Electricity Board to provide employment to these workmen as and when opportunities for providing employment is available.

4. It is not in dispute that workmen had completed 240 days of continuous work

and could be treated as retrenched workmen. We dispose of these appeals with the direction that the U. P. Electricity Board, respondent No. 1 shall maintain a list of the workmen who offer to accept the reemployment and proceed to give them the benefit of reemployment without any claim for back wages or seniority if they approach the Board within three months from now. There will be no order as to costs.