

(2012) 07 JH CK 0079

Jharkhand High Court

Case No: Writ Petition (S) No. 1994 of 2010

Bharat Sharma

APPELLANT

Vs

The Chairman-cum-Managing
Director, M/s. Bharat Coking
Coal Limited and Others

RESPONDENT

Date of Decision: July 10, 2012

Acts Referred:

- Constitution of India, 1950 - Article 226
- Industrial Disputes Act, 1947 - Section 33(C)

Hon'ble Judges: Dhirubhai Naranbhai Patel, J

Bench: Single Bench

Advocate: Someshwar Roy, for the Appellant; Ananda Sen and K. Panda, for the Respondent

Judgement

D.N. Patel

1. The present petition has been preferred by the petitioner mainly for getting wages for the period running from 02.02.2007 to 13.08.2008. Learned counsel for the petitioner submitted that initially there were some litigations going on between the parties and therefore, the petitioner was transferred from one colliery to another. There was also some dispute regarding designation of the petitioner. However, ultimately the disputes were settled, but the salary were not paid for the said period and, therefore, the present petition has been preferred. Counsel for the respondents submitted that there is an efficacious remedy available to the petitioner u/s 33(C) of the Industrial Disputes Act, 1947 and hence, the petition may not be entertained under Article 226 of the Constitution of India.

2. Having heard learned counsel for both the sides and looking to the facts and circumstances of the case, it appears that the petitioner is claiming wages for the period running from 02.02.2007 to 13.08.2008. There was some earlier dispute with

regard to designation of the petitioner which has been be resolved. Now the only question left out about payment of salary/wages, for which the petitioner has already an efficacious remedy available u/s 33(C) of the Industrial Disputes Act, 1947. In view of these facts, this writ petition is dismissed as not maintainable, as because there is other efficacious remedy available to the petitioner u/s 33(C) of the Industrial Disputes Act, 1947.