

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

Court: Jharkhand High Court

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 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.