

Prakash and Others Vs. Superintending Engineer (Electrical), O and M Circle, Belgaum and Others

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Court : Karnataka

Decided On : Mar-31-2000

Reported in : [2001(89)FLR458]; 2001(1)KarLJ490

Judge : Kumar Rajarathnam, J.

Acts : [Industrial Disputes Act, 1947](#) - Sections 2 and 10(1)

Appeal No. : Writ Petition Nos. 41747 to 41757 of 1999

Appellant : Prakash and Others

Respondent : Superintending Engineer (Electrical), O and M Circle, Belgaum and Others

Advocate for Def. : Sri G.B. Chandregowda, High Court Government Pleader

Advocate for Pet/Ap. : Sri Ramesh B. Anneppanavar, Adv.

Judgement :

ORDER

1. The writ petitions are taken up with consent of parties for final disposal. Heard the learned Counsel for the petitioners and the learned Counsel for the respondents.

2. In these writ petitions, the petitioners challenge the order at Annexure-B issued by respondent 4 stating that the reference is not maintainable on the ground that the dispute relates to seniority and absorption. The matter is well-settled that if an individual raise a dispute it can only be for removal, termination or dismissal. If the workmen wants to raise a dispute with regard to absorption and regularisation, that can only be done by Union which can raise the dispute on behalf of the workman. *Bombay Union of Journalists and Others v The 'Hindu', Bombay and Another*, states that dispute cannot be made by an individual person if it relates to regularisation and absorption unless the dispute is taken up by the Union.

3. In these circumstances, there is no merit in the writ petition. Writ petition stands dismissed. This will not preclude the workmen to raise any dispute through the Union in accordance with law.

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