

Om Prakash and Others Vs. U. P. State Electricity Board, Lucknow and Others

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Court : Allahabad

Decided On : May-25-1999

Reported in : 1999(3)AWC1996

Judge : D.K. Seth, J.

Acts : Uttar Pradesh Industrial Disputes Act, 1947 - Sections 6Q

Appeal No. : C.M.W.P. No. 21784 of 1999

Appellant : Om Prakash and Others

Respondent : U. P. State Electricity Board, Lucknow and Others

Advocate for Def. : S.P. Mehrotra, Adv.

Advocate for Pet/Ap. : Shyamji Gaur, Adv.

Judgement :

D.K. Seth, J.

1. Mr. S. P.Mehrotra, learned counsel for the respondents relied on the decision in the case of U. P. Bijli Karmchari Sangh v. U. P. State Electricity Board and others, in Civil Misc. Writ Petition No. 14342 of 1999, disposed of by this Court on 7th

April, 1999. In the present case, the petitioner alleges to be a retrenched employee. Mr. Shyamji Gaur, learned counsel for the petitioners contends that instead of giving re-employment to the petitioner in terms of Section 6Q of the U. P. Industrial Disputes Act. 1947, the respondents are going to recruit in pursuant to an advertisement Issued only for Schedule Caste and Backward Classes candidate for filling up of different posts. According to Mr. Shyamji Gaur before making such recruitment, the petitioner's case requires a consideration. According to him, by virtue of the said advertisement, the petitioner's right under Section 6Q has been taken away.

2. The Section 6Q of the U. P. Industrial Disputes Act does not prescribe that no recruitment at all be made before granting opportunity to retrenched employees under Section 6Q irrespective of the fact of the vacancies sought to be filled up are within the quota of the Schedule Caste and Other Backward Classes. If there are vacancies in the quota of Schedule Caste and Other Backward Classes, in that event, it is to be filled up only by the candidates from Schedule Caste and Backward Classes community. Only when such candidates are not available, then the general candidates can be offered for employment. Therefore, the petitioner cannot have any grievance with regard to the advertisement issued seeking to recruit the candidates from the Schedule Caste and other Backward Classes communities for filling up of reserved quota in accordance with law.

3. In case, there are any vacancy, respondent seeks to make any recruitment from the general candidates, in that event, the petitioners may apply for such vacancy. The respondent shall consider such applications in accordance with Section 6Q of the U. P. Industrial Disputes Act giving preference in the matter of employment provided each individual petitioner satisfies that he was a retrenched employee and is eligible and entitled to be re-employed in terms of Section 6Q of the said Act while considering the question of selection in terms of any such recruitment process along with other candidates applying in response to such recruitment process.

4. With these observations, the writ petition is disposed of. However, there will be no order as to costs.

