

**SUPREME COURT OF INDIA**

U.P. Bijli Karamchari Sangh

Vs.

U.P. State Electricity Board

C.A.Nos.803-804 of 1981

(Ranganath Misra, M. M. Punchhi and S. C. Agrawal, JJ.)

11.07.1990

**ORDER**

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 Art. 226 of the Constitution was not invokable.

2. At the time the High Court of Allahabad refused to entertain the writ petitions under Art. 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 It is true that subsequent to the decision of the High Court the restriction introduced by way of amendment has been withdrawn.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. I shall maintain a list of the workmen who offer to accept the reemployment and porceed to give them the benefit of reemployment without any claim for backwages or seniority if they approach the Board within three months from now. There will be no order as to costs.

Order accordingly.

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