
(1983) 08 AHC CK 0048
In the Allahabad High Court

Allahabad Patrika Pvt. Ltd.

APPELLANT

Vs

Labour Court and Others

RESPONDENT

Date of Decision : 09-08-1983

Acts Referred:

Industrial Disputes (Central) Rules, 1957 — Rule 12(1)(e)

Citation : (1984) 1 LLJ 297

Hon'ble Judges : A.N. Varma, J

Bench : Single Bench

Final Decision : Allowed

Judgement

A.N. Varma, J.

With the consent of the learned Counsel for the parties, this petition is being disposed of finally.

1. This petition is directed against an order passed by the Labour Court, Allahabad refusing to accept an additional written statement on the ground that there was no provision of law under which additional written statement could be permitted to be filed at that stage.

2. Learned Counsel contends that the aforesaid order is manifestly unsustainable in law, inasmuch as, under Rule 12(1)(e) of the U.P. Industrial Disputes Act, 1957, the Labour Court is expressly empowered to allow an amendment of the written statement at any stage of the proceedings where it considers it necessary to do so in the interest of justice for the purpose of determining the real issue.

3. Having heard learned Counsel for the parties I find that the above contention is well founded. Rule 12(1)(e) reads thus:

12. Proceedings before the Labour Court or Tribunal (1) where the State Government refers an industrial dispute for adjudication to a Labour Court or Tribunal within two weeks of the date of receipt of reference, the party representing the workmen, or in the case of individual workman, the workman

himself and the employer involved in the dispute shall file before the Labour Court or the Tribunal, as the case may be, a statement of demand relating only to the issues as are included in the order of reference and shall also forward a copy of such statement to each one of the opposite parties involved in the said dispute.

Provided that where the Labour Court or Tribunal, as the case may be, considers it necessary, it may:

(a)

(b)

(c)

(d)

(e) allow at any stage of the proceedings, amendment of such statement to the extent as may be necessary for the purpose of determining the real issue included in the order of reference.

4. The above provision is quite clear on the point. It confers specific powers on the Labour Court to allow amendments of the pleadings at any stage subject of course to the conditions mentioned in Clause (e) of Rule 12(1). The Labour Court was hence not right in thinking that it had no power to allow the additional written statement which the petitioner sought to file.

5. In the result, the petition succeeds and is allowed. The impugned award is quashed. The Labour Court may now dispose of the petitioner's application afresh according to law and thereafter dispose of the reference expeditiously. The parties shall bear their own costs. The workman concerned shall be at liberty to file an additional written statement after the petitioner has been allowed to amend his written statement.