
(1992) 07 GUJ CK 0024

In the Gujarat High Court

Case No : Special Civil Application No. 3167 of 1992

Amini John C/o. Rajya General Kamgar Mandal

APPELLANT

Vs

Barofarm Chemicals Ltd.

RESPONDENT

Date of Decision : 13-07-1992

Acts Referred:

Industrial Employment (Standing Orders) Act, 1946 — Section 13A

Citation : (1994) 68 FLR 325 : (1995) 3 LLJ 385

Hon'ble Judges : S. Nainar Sundaram, C.J; R.K. Abichandani, J

Bench : Division Bench

Advocate : M.S. Mansuri, for the Appellant; K.V. Gadhia, for the Respondent

Final Decision : Dismissed

Judgement

S. Nainar Sundaram, C. J.

1. In this Special Civil Application, the challenge is to the order of the Labour Court declining to accord an interim relief while considering the question of interpretation of the Model Standing order as per Section 13-A of the Industrial Employment (Standing Orders) Act 20 of 1946 (hereinafter referred to as "the Act") Section 13-A of the Act reads as under:

"13-A. Interpretation, etc. of standing orders.

If any question arises as to the application or interpretation of a standing order certified under this Act, any employer or workman (or a trade union or other representative body of the workmen) may refer the question to any one of the Labour Courts constituted under the Industrial Disputes Act, 1947 (14 of 1947), and specified for the disposal of such proceeding by the appropriate Government by notification in the Official Gazette, and the Labour Court to which the question is so referred shall, after giving the parties an opportunity of being heard, decide the question and such decision, shall be final and binding on the parties."

When we look into language of Section 13-A as per the extract made above, we

are unable to spell out any power for the Labour Court to accord any relief either on the basis of the Standing Order or besides it. What the petitioner wanted only amounted to that. Rightly, the Labour Court declined to accord it. In this connection, the learned counsel for the respondent relied on a pronouncement of P.N. Bhagwati, J., as he then was, in *Tata Chemicals Ltd. and Others Vs. Kailash C. Adhvaryu*, . There the learned Judge ruled that the function of the Labour Court u/s 13-A of the Act is limited only to the decision on the question as to the application or interpretation of the Standing Order, which is referred to it. We are in respectful agreement with the view expressed by the learned Judge in the said pronouncement and adopting the same, we have no other alternative save to dismiss and we do dismiss this Special Civil Application with no order as to costs.

At this juncture, Mr. M.S. Mansuri, learned counsel for the petitioner pleads that two months time may be accorded to his client to join the post to which he has been transferred. We find that since May 1992 there has been an indulgence shown to the petitioner by this Court, maintaining the status quo. We extend the same indulgence for a further period of two months and direct that the implementation of the order of transfer be postponed for a period of two months from today. The dismissal of the Special Civil Application is subject to the indulgence shown above.