
(1991) 03 RAJ CK 0030
In the Rajasthan High Court
Case No : C.W.P. No. 1107 of 1990

Bhanwar Lal

APPELLANT

Vs

Union of India (UOI)

RESPONDENT

Date of Decision : 13-03-1991

Acts Referred:

Industrial Disputes Act, 1947 — Section 10

Citation : (1991) 62 FLR 582 : (1993) 3 LLJ 932 : (1991) 1 WLN 86

Hon'ble Judges : A.K. Mathur, J

Bench : Single Bench

Advocate : D.K. Pahihar, for the Appellant; M.S. Singhvi, for the Respondent

Final Decision : Allowed

Judgement

A.K. Mathur, J.—The petitioner by this writ petition has prayed that the respondents may be directed to make reference of the petitioner's case of termination of service to the Labour Court, Jodhpur instead of Central Industrial Tribunal, Jaipur.

2. The petitioner was an employee of the respondent Northern Railway and posted at Gang No. 29 Dhanera for repairing the railway track?. His services were terminated by the order of the respondents w.e.f. 6.1.1986. Therefore, he filed a writ petition (S.B. Civil Writ petition No. 2382/86: Bhanwar Lal v. Union of India and Ors.) before this Court. This Court vide its order dated 6.12.1989, directed that the appropriate Government shall consider the failure report and take a decision as to whether the dispute raised by the petitioner should be referred to the Labour Court or not. In pursuance of this direction the respondent made a reference to the Central Industrial Tribunal, Jaipur by the order dated 10.4.1990, which has been placed on the record as Ex. 3. The petitioner has now filed the present writ petition submitting that he is a poorly placed person and he belongs to Jodhpur Division. He submitted that the Labour Court-cum-Industrial Tribunals have been constituted by the State of Rajasthan at Jodhpur also. The petitioner submitted that since he is a poorly placed person it will not be

economical for petitioner to go to Jaipur every now and then. Therefore, he has prayed that the respondents may be directed to refer the case of the petitioner to the Labour Court, Jodhpur instead of Central Industrial Tribunal, Jaipur.

3. Mr. Singhvi, learned counsel for the respondent No. 2, has no objection.

4. Looking to the facts and circumstances of this case, the respondent No. 1 is directed to transfer the reference case of the petitioner to the Labour Court, Jodhpur instead of continuing the same at Central Industrial Tribunal, Jaipur in the interest of justice. This should be done within a period of one month from today.

5. Before parting with the case, I would like to observe that Central Government should normally see the convenience of both the parties while making reference to the Labour Courts. Wherever the Labour Court is constituted in the State of Rajasthan the reference of the dispute be referred to that particular Labour Court in whose jurisdiction the incumbent lives, so as to enable the litigant to prosecute his remedies properly and economically.