

(2012) 02 AHC CK 0291

In the Allahabad High Court

Case No : Public Interest Litigation (PIL) No. 7049 of 2012

Cement Udyog Karmachari Union

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 08-02-2012

Acts Referred:

Constitution of India, 1950 — Article 21
Constitution of India, 1950 — Article 21
Constitution of India, 1950 — Article 21

Citation : (2012) 02 AHC CK 0291

Hon'ble Judges : Ramesh Sinha, J; Amar Saran, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. Heard learned counsel for the petitioner and learned Standing Counsel.
2. By means of this Public Interest Writ Petition, the petitioner has prayed for a mandamus for directing the State of U.P. and Labour Commissioner, U.P. to allow the Presiding Officers of 10 Labour Courts/Tribunal who are scheduled to be retired during February to March, 2012 to continue and discharge their duties as Presiding Officer until the appointment of Presiding Officers by completing the recruitment process as per law.
3. It is contended by the learned counsel for the petitioner that a large number of matters are pending and disposal of the same is inordinately held up violating the fundamental rights of the people enshrined under Article 21 of the Constitution of India. It is further contended that under the U.P. Labour Court & Industrial Tribunal Presiding Officer (Appointment & Condition of Service), Amendment Rules, 1997, it has been provided that the Presiding Officer in Labour Courts & Industrial Tribunal could be appointed for a period of three years, which may be extended for further one year or any other period as deemed proper until he attains the age of 65 years.

4. Per contra, learned standing counsel has placed reliance on a judgment reported in Hari Bansh Lal Vs. Sahodar Prasad Mahto and Others, , wherein it is laid down that PIL cannot be entertained in service matters, except with regard to limited reliefs in the nature of quo-warranto. We think that this Court has no power to issue such directions to continue the officers in service after their retirement. Such directions, if at all, can only be passed by the Competent Authority if he deems fit and proper. However, before parting with the judgment, we would like to observe that the authorities concerned should take expeditious steps for ensuring that disposal of the labour cases is not held up.

5. In view of the above, the writ petition has no force. It is, accordingly, dismissed.