

(2025) 12 AHC CK 1715
In the Allahabad High Court
Case No : WRIT C No. 1005010 Of 2006

Central Institute of Medicinal and Aromatic Plants and Ors	APPELLANT
Vs	
Rishi Dev Mishra and Othe	RESPONDENT

Date of Decision : 03-12-2025

Acts Referred:

Constitution of India, 1950 — Article 227
U.P. Revenue Code, 2006 — Section 116

Citation : (2025) 12 AHC CK 1715

Hon'ble Judges : Arun Kumar Singh Deshwal, J

Bench : Single Bench

Advocate : Vimal Kishor Singh, Pankaj Gupta, Premkant

Final Decision : Disposed Of

Judgement

Irshad Ali, J

1. By means of the present writ petition, the petitioners are challenging the validity of the common award dated 15th September, 2005 given by the Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court, Kanpur (respondent no.2) in Industrial Dispute Case No.149 of 1998 (Rishidev Mishra v. Director, Central Institute of Medicinal & Aromatic Plants, Lucknow) and Industrial Dispute Case Nos.151/98, 145/98, 148/98, 154/98, 152/98, 153/98, 150/98, 146/98, 144/98, 147/98, 126/98, 122/98, 99/98, 119/98, 120/98, 123/98 and 124/98 and published by the Government of India, Ministry of Labour (respondent no.3) through Notification dated 22nd September, 2005 and sent by the Secretary, central Government Industrial Tribunal-cum-Labour Court, Kanpur, through letter dated 6th December, 2005 as far as it relates to the Central Institute of Medicinal & Aromatic Plants, Lucknow, a constituent/ Institute of Council of Scientific and Industrial Research, New Delhi, a society registered under Societies Registration Act, 1860 is an 'Industry' within the meaning of provision 2(j) of Industrial Disputes Act, 1947.

2. The bunch of the writ petition involves common questions of facta and law, hence with the consent of parties, writ petitions are decided by the present common judgment.

2. Factual matrix of the case is that the Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court, Kanpur, respondent no.2, passed a common award dated 15.09.2005 in ID case No.149 of 1998 (Rishidev Mishra v. Director, Central Institute of Medicinal & Aromatic Plants, Lucknow) and Industrial Dispute Case Nos.151/98, 145/98, 148/98, 154/98, 152/98, 153/98, 150/98, 146/98, 144/98, 147/98, 126/98, 122/98, 99/98, 119/98, 120/98, 123/98 and 124/98 as far as it relates to the Central Institute of Medicinal & Aromatic Plants, Lucknow a constituent/ Institute of Council of Scientific and Industrial research, New Delhi, a society registered under Societies Registration Act, 1860 is an 'industry' within the meaning of provision 2(j) of Industrial Disputes Act, 1947. The respondent no.1 raised conciliation proceedings before the Regional Labour Commissioner (Central), Kanpur under the provisions of Industrial Tribunal Act, 1947 with respect to alleged disengagement of their employment with Central Institute of Medicinal and Aromatic Plants, Lucknow/ Council of Scientific and Industrial Research, New Delhi impleading there in the Director/ Central Institute of Medicinal and Aromatic Plants, Lucknow and not M/s Vikas Security Guards Services, Lucknow. The conciliation proceedings failed resulting which the Regional Labour commissioner (North) Kanpur submitted failure report to the respondent no.3. After the submission of the conciliation failure report, the matter was referred to the Central Government Industrial Tribunal-cum- Labour Court/ Kanpur by the respondent no.3 through letter dated 21.04.1998. The respondent no.1 filed the claim application date 16.09.1998, replication to the written statement dated 25.05.199, application dated 17.09.2001 for filing 2 documents and Oath administered by the Presiding Officer to the deponent dated 12.09.2001 before the Presiding Officer, Central Government, Industrial Tribunal-cum-Labour Court, Kanpur. The petitioners filed written statements dated 29.10.1998, stating therein various issues including that the provisions of Industrial Dispute Act, 1947 are not applicable upon the CSIR, New Delhi or its constituent institutes including CIMAP, Lucknow as it is not an 'Industry' and also filed list of documents on behalf of CIMAP, Lucknow in June, 2000, application on behalf of Central Institute of Medicinal & Aromatic Plants, Lucknow for framing of additional issue was filed on 29.8.2000. The Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court, Kanpur passed the orders dated 13.2.2001. The statement of Shri Rishi Dev Misra was recorded on 12.09.2001 and the affidavit in evidence on behalf of Central Institute of Medicinal & Aromatic Plants, Lucknow was also filed on 04.06.2002. The petitioners filed writ petition no.1676 of 2002 (S/S) (Central Institute of Medicinal & Aromatic Plants, Lucknow & others v. Rishi Devi Misra & another) which is still pending consideration. The Presiding Officer, Central Government Industrial Tribunal-cum- Labour Court, Kanpur decided the Adjudication Case No.149 of 1998 (Rishi Dev Mishra v. Director, Central Institute

of Medicinal & Aromatic Plants, Lucknow), through a common award dated 15th September, 2005 without considering the evidences available on record on merits as well as on the question of 'industry'. The respondent no.2 award dated 15th September, 2005 was considered at various levels in CIMAP, Lucknow and CSIR, New Delhi and ultimately decision was communicated through letters dated 14.02.2006 and 26.04.2006 that the award dated 15th September, 2005 be challenged before this Court through a writ petition under Article 226 of the Constitution of India.

3. Learned counsel for the petitioners submitted that the Central Institute of Medicinal and Aromatic Plants is purely a research organization and not engaged in any trade, business, or commercial activities and its primary function is to undertake scientific research with a view to promoting the welfare of people preserving natural resources and minimizing the undesirable effects of industrial and agricultural activities. In this view of the matter, he submitted that it does not satisfy the test of being an 'Industry' as contemplated under Section 2(j) of the Industrial Disputes Act, 1947 or Section 2(k) of the U.P. Industrial Disputes Act, 1947.

4. Learned counsel for the petitioners next submitted that the funds of the Institute are derived entirely from grants made available by the Department of Science & Technology, Government of India. The Council of Scientific and Industrial Research and its constituent institutes are under administrative control of the Central Government. By virtue of the notification dated 31.10.1986 issued under Section 14(2) of the Administrative Tribunals Act, 1985, the Council of Scientific and Industrial Research, New Delhi has been brought within the purview of the said Act. Consequently, all service matters pertaining to employees of CSIR and its institutes, including CIMAP are governed by the provisions of the Administrative Tribunals Act, 1985 and not by the Industrial Disputes Act, 1947.

5. Learned counsel for the petitioners next submitted that the Central Institute of Medicinal & Aromatic Plants, Lucknow/ Council of Scientific and Industrial Research, New Delhi cannot be termed as an 'Industry' in any case either practically or legally in favour of the organization.

6. Learned counsel for the petitioners next submitted that the respondent nos.2 and 3 have no jurisdiction to adjudicate upon the matter as it is applying the provisions of the Industrial Disputes Act, 1947 which is not applicable upon the Department of Science & Technology, Government of India, nor upon the council of Scientific & Industrial Research, New Delhi/ Central Institute of Medicinal & Aromatic Plants, Lucknow.

7. Learned counsel for the petitioners next submitted that only the Administrative Tribunal Act, 1985 is applicable on the petitioners since the Central Institute of Medicinal & Aromatic Plants, Lucknow is a constituent Unit of Council of Scientific & Industrial Research, New Delhi and the Council of Scientific & Industrial Research, New Delhi has been notified under the Administrative

Tribunal Act, 1985.

8. In support of his submissions, learned counsel for the petitioner has placed reliance upon the following judgments:

(i) Physical Research Laboratory v. K.G. Sharma (1997) 4 SCC 257

(ii) Prem Chandra v. Presiding Officer, Industrial Tribunal, Lucknow (U.P.) decided on 20.1.2020.

9. Per contra, learned counsel for the respondents supported the impugned order and stated that the petitioners fall within the definition of the term 'Industry' as provided under Section 2(j) of the Industrial Dispute Act, 1947.

10. I have considered the submissions advanced by learned counsel for the parties and perused the material available on record as well as case-law cited by learned counsel for the petitioners.

11. To resolve the controversy involved in the present writ petition, Section 2(j) and Section 2(k) of the Industrial Disputes Act, 1947 reads as under:

"2(j) 'industry' means any business, trade undertaking, manufacture or calling of employers and includes any calling, service, employment, handicraft, or industry occupation or avocation of workmen."

2(k) 'Industry' means any business, trade, undertaking, manufacture or calling of employers and includes any calling, service, employment, handicraft, or industrial occupation or avocation of workmen;

12. Perusal of the aforesaid sections reveals that the definition of 'industry' in the Industrial Dispute Act, 1947 and Uttar Pradesh Industrial Dispute Act, 1947 is one and the same.

13. Learned counsel for the petitioner relied on judgment rendered (supra) operative portion of which are quoted here-in-below:

"13. It is nobody's case that PRL is engaged in an activity which can be called business trade or manufacturer. Neither from the nature of its organization nor from the nature and character of the activity carried on by it, can it be said to be an "undertaking" analogous to business or trade. It is not engaged in a commercial industrial activity and it cannot be described as an economic venture or a commercial enterprise as it is not its object to produce and distribute services which would satisfy wants and needs of the consumer community. It is more an institution discharging governmental functions and a domestic enterprise than a commercial enterprise. We are, therefore, of the opinion that PRL is not an industry even though it is carrying on the activity of research in a systematic manner with the help of its employees as it lacks that element which would make it an organization carrying on an activity which can be said to be analogous to the carrying on of a trade or business because it is not producing and distributing services which are intended or meant for satisfying human wants

and needs, as ordinarily understood."

14. Perusal of the above-extracted judgment reveals that the Hon'ble Supreme while considering the issue that whether the 'Physical Research Laboratory' is an industry, gave opinion that that PRL is not an industry even though it is carrying on the activity of research in a systematic manner with the help of its employees as it lacks that element which would make it an organization carrying on an activity which can be said to be analogous to the carrying on of a trade or business because it is not producing and distributing services which are intended or meant for satisfying human wants and needs, as ordinarily understood.

15. Learned counsel also relied upon the judgment dated 20.01.2020, wherein while relying on the judgment rendered in the case of Physical Research Laboratory (supra) a coordinate Bench of this Court held that a national research institution of Council for Scientific & Industrial Research i.e. CSIR-Central Drug Research Institute, Lucknow is not an industry under Section 2(k) of Uttar Pradesh Industrial Dispute Act, 1947 (U.P. Act No.XXXVIII of 1947) while upholding the Award dated 8.7.1997 of the Industrial Tribunal (II) Lucknow.

16. I have examined the material on record in the light of case-laws cited by learned counsel for the petitioners.

17. On examination, it is found that Central Institute of Medicinal & Aromatic Plants, Lucknow ; CSIR- Indian Institute of Toxicology Research, Lucknow; CSIR-National Botanical Research Institute, Lucknow which has been notified under Section 14(2) of the Administrative Tribunal Act, 1985 through Notification No.R-11018/16/86-At dated 31.10.1986 being a Society controlled by the Central Government is primarily engaged in scientific research concerning medicinal and aromatic plants. The object of the institute is not to carry on trade or business or to earn profit, but to carry out research in the national interest and for public welfare. The activity undertaken by C.I.M.A.P. is thus academic and scientific in nature and cannot be equated with any commercial or industrial venture. In this view of the matter, the judgment rendered in the case of Physical Research Laboratory (supra) vide which this Hon'ble Supreme Court clarified that institutions engaged solely in research or educational functions, devoid of commercial or economic character, cannot be treated as 'industry' squarely covers to the present facts and circumstances of the present case.

18. It is settled principle of law that a research institute is not an industry within the meaning of the Industrial Dispute Act, 1947 as well as Uttar Pradesh Industrial Dispute Act, 1947. The other legal and factual issues may not be decided keeping in view of the aforesaid settled principle of law.

19. Considering in totalities of facts and circumstances of the case, this Court is of the opinion that the Central Institute of Medicinal and Aromatic Plants, Lucknow being a purely research and scientific organization functioning under the Council of Scientific and Industrial Research does not fall within the definition of 'Industry' under Section 2(j) of the Industrial Disputes Act, 1947.

20. In the result, all the writ petitions are allowed, except Writ-C No.1004654 of 2005 (Shiv Narain Singh and another v. Presiding Officer, labour Court, U.P., Lucknow and another), Writ-C No.1000938 of 2006 (Rishi Deo Mishra and 4 others v. Presiding Officer, Central Govt. Industrial Trib. And Anr.), Writ-C No.1000940 of 2006 (Hari Shanker Dubey and 3 Ors. v. Presiding Officer Cental Govt. Industrial Trib. And Anr.) and Writ-A No.8817 of 1992 (Rajendra Mishra v. Industrial Tribunal), being filed by the petitioners in individual capacity, which are hereby dismissed.