
(1996) 10 AHC CK 0098
In the Allahabad High Court
Case No : C.M.W.P. No. 33194 of 1991

Chhabi Nath Prasad

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 07-10-1996

Acts Referred:

Industrial Disputes Act, 1947 — Section 2A

Uttar Pradesh Industrial Disputes Act, 1947 — Section 4K

Citation : (1997) 75 FLR 533 : (1997) 2 LLJ 439 : (1996) 4 UPLBEC 2423

Hon'ble Judges : M. Katju, J

Bench : Single Bench

Advocate : Ranjit Saxena, for the Appellant;

Final Decision : Disposed Of

Judgement

M. Katju, J.—Heard counsels for the parties.

The petitioner was a bus Conductor who was dismissed from service on August 25, 1988 after enquiry. He raised a dispute but the State Government has refused to refer the dispute to the Labour Court vide its order dated August 5, 1991.

2. It is settled law that the State Government cannot adjudicate upon the dispute as that is the function of the Labour Court. The State Government can only see whether the dispute is wholly frivolous or not, and if it is found mat it is not frivolous then the State Government has to refer the dispute regarding the termination of service to the Labour Court in view of Section 2A of the Industrial Disputes Act. In the present case, no reason at all has been given in the impugned order dated August 5, 1991 refusing to refer the dispute to the Labour Court.

3. Hence, I quash the impugned order dated August 5, 1991. Ordinarily I would have directed the State Government to reconsider the matter, but since the termination order was passed more than eight years ago, I direct that the State

Government to refer the matter to the Labour Court u/s 4-K of the U.P. Industrial Disputes Act and the case shall be decided within six months thereafter by the Labour Court in accordance with law.

4. With these observations, the writ petition is finally disposed of.