
(2005) 05 RAJ CK 0002
In the Rajasthan High Court
Case No : Civil Writ Petition No. 6550 of 2003

F.C.I. and Another

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 24-05-2005

Acts Referred:

Citation : (2006) 108 FLR 509 : (2005) 4 RLW 2852 : (2005) 4 WLC 595

Hon'ble Judges : Asok Parihar, J

Bench : Single Bench

Advocate : S.C. Mittal, for the Appellant; S.K. Sharma and Dharmendra Jain, for the Respondent

Final Decision : Dismissed

Judgement

Ashok Parihar, J.—The writ petition is disposed of finally as prayed by the counsel for the parties.

2. Respondent No. 3, the concerned workman, had raised an industrial dispute in regard to alleged termination of his services. After the conciliation proceedings having been failed, respondent No. 1 referred the dispute for adjudication to the Central Industrial Tribunal, Jaipur vide notification dated 1.6.1991. The reference to the Tribunal was made in the following words:

"Whether the action of the management of F.C.I. at its Regional Office, Jaipur and that at its depot Sribijaynagar in not inducting Shri Pema Ram as Casual Labour in FCI Depot, Sribijay Nagar on the ground of being over aged is legal, proper and just? If not, to what relief the workman is entitled?"

3. Subsequently, by another notification dated 24.7.2002 the reference, so made, has been amended in the following manner:

"Whether the action of the management of FCI at Regional Office, Jaipur and that at its depot Sribijaynagar in terminating Sh. Pema Ram from services is legal and justified? If not, to what relief the workman is entitled to?"

4. The notification/corrigendum dated 24.7.2002 is under challenge in the present petition mainly on the ground that the competent authority could not have amended the reference after a lapse of more than 10 years, moreso, when major proceedings have already been completed before the Tribunal. It has also been submitted that the nature of dispute, so referred, could not have been changed altogether.

5. There is no dispute, as is also evident from the material available on record, that the concerned workman had raised a dispute before the Conciliation Officer challenging his verbal termination of service. The Failure Report, as submitted by the Conciliation Officer, also refers to the illegal termination. The pleadings of the parties further shows that the whole dispute was in relation to the termination of services of the concerned workman. There cannot be any dispute that the appropriate Government can always rectify or amend the reference by subsequent notification. Even the Tribunal in given circumstances can construe the reference if not happily worded, to give appropriate relief to the workman. Since there is no substantial change in the dispute so referred to the Tribunal, in my opinion, no prejudice is caused to the petitioners, moreso, when the petitioners have an opportunity of raising their objections before the Tribunal at appropriate stage and also counter the evidence so led on behalf of the concerned workman.

6. Having considered entire facts and circumstances, in my opinion, no interference is called for by this Court in the present matter at this stage. The writ petition is dismissed accordingly as having no merit. However, since the dispute is pending before the Tribunal for such a long time, the Tribunal is directed to expedite the hearing.