

(1996) 10 DEL CK 0033

In the Delhi High Court

Case No : Civil Writ Appeal No. 3334 of 1987 and Civil Miscellaneous Appeal No"s. 3185 of 1995 and 347 of 1996

Indian Oil Corporation

APPELLANT

Vs

Lt. Governor, Delhi and Another

RESPONDENT

Date of Decision : 01-10-1996

Acts Referred:

Industrial Disputes Act, 1947 — Section 2

Citation : (1996) 64 DLT 315

Hon'ble Judges : Y.K. Sabharwal, J;D.K. Jain, J

Bench : Division Bench

Advocate : Kittu Bajaj, Rajiv Mehra, A.K.Goel and B.K.Pal, for the Appellant;

Judgement

Y.K. Sabharwal, J.

(1) The challenge in this petition is to the notification dated 20.4.87 issued by Labour Department of Delhi Administration u/s 10 of the Contract Labour (Regulation and Abolition) Act, 1970, prohibiting the employment of Contract labour in the industry in question, namely Petroleum Industry. The short point for determination is whether the notification could be issued by the Delhi Administration or not. Answer to the question would depend on as to which is the Appropriate Government within the meaning of Section 2(a) of the Industrial Disputes Act, 1947. From the notification dated 21.6.84, 20.6.86 and even subsequent notification filed Along with the affidavit of Mr. Ashok Kapur, Secretary (Labour)-cum-Labour Commissioner, Government of National Capital Territory of Delhi dated 29.1.96 it seems evident that in regard to the industry in question, the Appropriate Government is the Central Government. That is also so specifically stated in the affidavit of Mr. Kapur. In this view of the matter the Delhi Administration had no jurisdiction to pass the impugned notification dated 20th April, 1987.

(2) Accordingly, we make the Rule absolute and quash the impugned notification. The writ petition is disposed of accordingly. The parties are left to bear their own

costs.