
(1993) 03 RAJ CK 0031
In the Rajasthan High Court
Case No : Civil W.P. No. 1543 of 1993

Indra Kumar

APPELLANT

Vs

Judge, Labour Court

RESPONDENT

Date of Decision : 30-03-1993

Acts Referred:

Industrial Disputes Act, 1947 — Section 10(2A)

Citation : (1994) 1 LLJ 1104 : (1993) 2 WLC 76

Hon'ble Judges : M.B. Sharma, J

Bench : Single Bench

Advocate : Satyendra Sharma, for the Appellant;

Judgement

M.B. Sharma, J.—This case brings forth a very sorry state of affairs in the Presiding Officer/Officers of the Judge, Labour Court, Jaipur. The petitioner is a workman and was allegedly working as Beldar in the year 1982 under Assistant Engineer, Public Works Department, Jaipur Sub-division Nos. 2 and 4. The services of the petitioner are said to have been terminated under oral termination order dated January 1, 1984 and he raised an industrial dispute after conciliation proceedings which failed and the matter was referred to the State Government and the Secretary, Department of Labour, and reference was made as far back as in September, 1985 to the learned Judge, Labour Court to adjudicate the dispute.

2. A perusal of the certified copy of the order-sheets will show that the representative of the workman appeared on November 18, 1985, the case proceeded for securing the presence of the employer. The workman was asked to submit a copy of the claim as well as registration charges for service on the employer. There were adjournments as none appeared on behalf of the employer. It was only on June 17, 1987 that one Shri Ajay Bhargava appears for the employer applying for withdrawal of exparte order and the exparte order was withdrawn with Rs. 100/- as costs. There were again adjournments for no reason whatsoever and though the proceedings were under the control of the Presiding

Officer, but the Presiding Officer acted leisurely and callously. Even advocates for both the parties also sought a few adjournments. Any how, so far as evidence for the workman is concerned, it concluded as far back as on December 3, 1988 and the case was adjourned for the evidence of the employer which evidence had not yet been recorded and the Presiding Officer/Officers of the Court, it appears, had adjourned the case for no reasons and just for the asking. Since February 24, 1989 when the first date for the evidence of the employer was fixed, there have been as many as 28 adjournments and it was only on February 1, 1992 that an affidavit for the employer of one Shri Prem Chollani was submitted, but no cross examination has yet been done on his affidavit.

3. It appears that not only in this case but in other cases also, and all cases in the court of Judge, Labour Court relate to the labour, the cases are pending for sufficient long time and are not being disposed of as required by the provisions of law. Sub-section 2-A of Section 10 of the Industrial Disputes Act, 1947 (for short the I.D. Act) which was inserted by Act No. 46 of 1982 S. 8 w.e.f. August 21, 1984 makes a provision that if industrial dispute is connected with an individual workman, no such period shall exceed three months and under the second proviso to Sub-section 2-A of Section 10 where the parties to an industrial dispute apply in the prescribed manner, whether jointly or separately, to the Labour Court, Tribunal or National Tribunal for extension of such period or for any other reason, and the presiding officer of such Labour Court, Tribunal or National Tribunal considers it necessary or expedient to extend such period, he may for reasons to be recorded in writing, extend such period by such further period as he may think fit. Though, no period has been prescribed upto which the three months period can be extended, but in my opinion the period can only be extended upto a reasonable extent and that too for reasons to be recorded and the reasons will include the pendency of large number of cases in any court. But it does not appear that the said provisions of law have ever been taken note of by the Presiding Officers. It may be that the Presiding Officers may not be responsible because frequent transfers are made of the Presiding Officers even of the Labour Court and for few months the work is dislocated because there is no notification of the State Government conferring powers on those Presiding Officers. It is for the High Court administration and also for the Government of Rajasthan, Labour Department to see whether there should be frequent transfers of the Presiding Officers of the Labour Court as frequent transfers will only dislocate work of the Labour Court. But there cannot be justification in not disposing of a reference made as far back as in the year 1985. It does appear from a few of the order- sheets that both the advocates also sought adjournments on more than one date. Even if the advocates seek adjournment, even if a joint request is made, the Presiding Officer of the Labour Court is not bound to adjourn the case. The Presiding Officer must control the court and he must make sincere efforts to dispose of the cases/disputes more so the disputes relating to retrenchment of individual workmen and they should be disposed of as soon as possible, if not within a period of three months for reasons to be recorded, in no case beyond a

year.

4. I am of the opinion that this writ petition can be disposed of at this stage without any notice to anybody with a direction to the Judge, Labour Court to keep these observations in mind and to see that adjournments are not granted on mere asking and this case is disposed of as soon as possible but in no case later than two months from the date a certified copy of this order is presented by the learned counsel for the petitioner.