

(2007) 03 DEL CK 0195

In the Delhi High Court

Case No : Writ Petition (C) No. 18357 of 2006

Kanhaiya Lal

APPELLANT

Vs

Union of India (UOI)

RESPONDENT

Date of Decision : 13-03-2007

Acts Referred:

Industrial Disputes (Central) Rules, 1957 — Rule 2

Citation : (2007) 113 FLR 770 : (2007) 2 LLJ 1022

Hon'ble Judges : Rekha Sharma, J

Bench : Single Bench

Advocate : Tarun Sharma, for the Appellant; Parul Sharma and Mukti Bodh, for the Respondent

Final Decision : Disposed Off

Judgement

Rekha Sharma, J.—This writ petition is directed against the order passed by the Labour Court - xviii, Karkardooma Court, Delhi, dated 30th October, 2006. By virtue of the impugned order, the Labour Court has declined to go into the merits of the case, on the ground, that the petitioner - Kanhaiya Lal is employed with Rajghat Samadhi Committee which functions under the authority of the Central Government and, Therefore, the appropriate authority who could make reference in relation to an industrial dispute raised by him was the Central Government, whereas, the reference in his case was made by the Secretary (Labour), Government of NCT, Delhi.

2. It appears that the Labour Court while holding as above, over-looked the provisions of Rule 2(f) of the Industrial Disputes (Central) Rules, 1957, which reads as under:

in relation to an industrial dispute in a Union territory, for which the appropriate Government is the Central Government, reference to the Central Government or the Government of India shall be construed as a reference to the Administrator of the territory, and reference to the Chief Labour Commissioner (Central),

Regional Labour Commissioner (Central) and the Assistant Labour Commissioner (Central) shall be construed as reference to the appropriate authority, appointed in that behalf by the Administrator of the territory.

3. It is clear from the above rule that if an industrial dispute for which the appropriate Government is the Central Government has arisen in a Union Territory, reference to the Central Government or Government of India shall be read as reference to the Administrator of the Territory while reference to the Chief Labour Commissioner (Central), Regional Labour Commissioner (Central) and Assistant Labour Commissioner (Central) shall be read as reference to the appropriate Government appointed in this behalf by the Administrator of the Territory. Therefore, to say, that the Secretary (Labour), Government of NCT, Delhi, was not competent to refer the dispute would be ignoring the statutory provision.

4. In view of the above, the award dated 30th October, 2006, is set aside. The case is remanded back to the Labour Court - xviii, Karkardooma Courts, Delhi, for trial on merits as expeditiously as possible.

5. Let the parties appear before the concerned Labour Court on 19th April, 2007.

6. The writ petition stands disposed of.