
(2008) 07 AHC CK 0065
In the Allahabad High Court

Manoj Kumar Sahu

APPELLANT

Vs

The Union of India (UOI) and Others

RESPONDENT

Date of Decision : 25-07-2008

Acts Referred:

Industrial Disputes Act, 1947 — Section 10

Citation : (2008) 119 FLR 733

Hon'ble Judges : Tarun Agarwala, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Tarun Agarwala, J.—Heard the learned Counsel for the parties.

2. The petitioner is aggrieved by the order of the Central Government dated 18.6.2002 declining to refer the dispute to an Industrial Court for adjudication of the validity and legality of the termination order passed in the year 1994. The learned Counsel for the petitioner submitted that the Central Government had declined to refer the dispute on the ground that the dispute was raised belatedly and that no reasonable explanation was given. The learned Counsel submitted that no period of limitation is prescribed under the Industrial Dispute Act for referring a dispute to a Labour Court or an Industrial Tribunal, and therefore, the Central Government committed an error in declining to refer the dispute on the ground of delay.

3. No doubt the words "may at any time" used in Section 10 of the Industrial Disputes Act indicates that there is no stipulated period and that an industrial dispute could be referred at any time. These words have also been explained by the Supreme Court in *Western India Match Co. Ltd. Vs. The Western India Match Co. Workers Union and Others*, wherein the Supreme Court held that the dispute could even be referred at any time. However, it does not mean that old and stale dispute could be referred at the whims and fancies of the workman at any stage as held by the Supreme Court in *Shalimar Works Limited Vs. Their Workmen*,

4. There has to be a reasonable period when a dispute could be referred for adjudication. The provisions of Section 10 of the Industrial Dispute Act means that an industrial dispute could be referred at any time or at any stage provided such industrial dispute exists. The words "exists" or "is apprehended" in Section 10 has to be read along with the words "at any time". If the dispute does not exist nor is apprehended, the question of referring a dispute would not arise.

5. In the present case, the Central Government has given a categorical finding that no valid explanation has been given for condoning the delay. It is necessarily means that there existed no industrial dispute and that the Central Government was satisfied that on account of long lapse of time, no industrial dispute existed and therefore, declined to refer the dispute. The Court is of the opinion that the order of the Central Government declining to refer the dispute does not suffer from any error of law.

6. The writ petition is dismissed.