
(1995) 12 AHC CK 0026
In the Allahabad High Court
Case No : C.M.W.P. No. 17660 of 1985

Miniature Bulb Industries India Pvt. Ltd.	APPELLANT
Vs	
State of Uttar Pradesh	RESPONDENT

Date of Decision : 15-12-1995

Acts Referred:

Uttar Pradesh Industrial Disputes Act, 1947 — Section 3

Citation : (1996) AWC 541 Supp : (1996) 1 LLJ 1042

Hon'ble Judges : R.K. Mahajan, J;B.M. Lal, J

Bench : Division Bench

Advocate : Vijay Ratan Agarwal, for the Appellant;

Judgement

R.K. Mahajan, J

1. By this petition, the petitioner seeks a writ in the nature of mandamus against the State of U.P. and the Officers not to enforce the impugned notification dated August 24, 1985, annexure No. 1 to the writ petition. Briefly the facts from which this writ petition has arisen are as follows:

2. There was a dispute between the workers of petitioner factory and the petitioner regarding the revision of wages. U.P. Government issued the impugned notification after holding State Labour Tripartite Conference under the Chairmanship of State Law Minister convened at Dehradun on September 19, 1983 for consideration of determination of the wages of the workmen in the petitioner industry. This was necessitated as there was agitation for the increase in the wage at some of the important centres i.e. Dehradun, Allahabad, Faizabad and Agra since 1983. Thereafter u/s 3(b) of U.P. Industrial Disputes Act, 1947, the Governor issued the impugned notification regarding the basic minimum rates of wages payable to the workers w.e.f. December 1, 1984 to the different categories of workmen engaged in the glass industry (except glass bangles making industry being a category in itself) and the Miniature Bulbs Industry in Uttar Pradesh inclusive of interim relief allowed vide notification No. 7172 (ST)/

XXXVI-I-312(ST)-83, dated November 24, 1983 or any other increase given after July 1, 1983 shall be as under and are pegged at 400 points of All India Consumer Price Index Number (Base 1060=100).

3. The details of increase and mode of payment has been described in the notification. This notification has been challenged in the writ petition on the ground that there was no emergency to issue this notification, there was no circumstances existing which attracted the issuance of the notification. It is also alleged that the petitioner company has entered into a settlement with their workmen on May 19, 1979 under which a flat increase of Rs. 60/- was given to each workman and as such there was no dispute or industrial unrest in the petitioner company. It is also contended that the petitioner has no financial capacity to pay. The allegations have been controverted in the counter affidavit.

4. We have heard the learned counsel for the parties at length. We are of the opinion that this case needs no adjudication from us and is a purely industrial dispute matter. It involves going into facts which can be adjudicated in a proper Forum. Industrial dispute has been defined u/s 2(1) means any dispute or difference between the employers and employees, or between employers and workmen, or between workmen and workmen, which is connected with the employment or non-employment or the term of employment or with the condition of the labour, of any person.....

5. Section 3 of U.P. Industrial Disputes Act, 1947 lays down:

"3. Power to prevent strikes, lock-outs etc. -If, in the opinion of the State Government, it is necessary or expedient so to do for securing the public safety or convenience or the maintenance of public order or supplies and services essential to the life of the community, or for maintaining employment, it may, by general or special order, make provision."

6. If in the opinion of the State Government it is necessary or expedient to do so for securing public safety or convenience or the maintenance of public order or supplies and services essential to the life of the community or for maintaining employment, the State Government after considering unrest in the workers exercised the power to issue notification.

7. Section 4-K deals with making reference of dispute to Labour Court or Tribunal and the State Government is to refer the matter if there is any dispute.

8. In our view, there is an industrial dispute and we direct the Secretary, Labour Dept., State of U.P to refer the matter to the Industrial Tribunal/Industrial Court depending upon the strength of workers with respect to the dispute have arisen from the issuing of the notification. The matter be referred within a month from the receipt of certified copy of this order and the court concerned to decide the case within six months, as the dispute is very old,

9. With this direction the writ petition is disposed of. Stay order, if any, stands vacated.