
(2002) 01 PAT CK 0027
In the Patna High Court
Case No : C.W.J.C. No. 2918/2001

Raja Lal

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 29-01-2002

Acts Referred:

Citation : (2002) 01 PAT CK 0027

Final Decision : Dismissed

Judgement

R.S. Garg, J.—Heard the learned counsel for the parties.

2. Learned counsel for the petitioner submits that reference made by the Central Government u/s 10 of the Industrial Disputes Act, 1947 does not arise in the present matter so also that is a question of law, therefore, such a dispute could not be referred. His further submission is that the Central Government in view of the non-existence of the Industrial Disputes had no jurisdiction or authority to frame a question and refer the same to the Industrial Tribunal on the alleged issue.

3. Learned counsel for the workmen, placing his strong reliance upon the Judgment of the Supreme Court in the matter of State of Madras Vs. C.P. Sarathy and Another, , submits that the discretion and jurisdiction of the Central Government in making reference cannot be examined by Court on the judicial envoy because the order though is passed after hearing the parties but facts remained that the administrative order and what particular fact had satisfied the particular authority would affect the authority will have to be seen by the authority concerned. He further submits that at this stage petition is premature because the present petitioner is entitled to raise this question before the Industrial Tribunal.

4. I have heard the parties.

5. Whether the question referred to the Industrial Tribunal is or not an "industrial dispute" as defined u/s 2(k) of the Industrial Disputes Act will, in fact, have to be

decided by the Industrial Tribunal after hearing the parties. The petitioner certainly would be entitled to submit before the said Tribunal that the question referred is not an industrial dispute or the question can be disposed of after hearing the parties simpliciter.

6. At this stage, it would be premature on the part of the petitioner to say that no industrial dispute was raised, therefore, no reference could be made by the Central Government.

7. With the liberty aforesaid in favour of the petitioner the petition is dismissed.