

(2001) 05 UK CK 0006
In the Uttarakhand High Court
Case No : C.M.W.P. No. 3068 of 2001

S. K. Rai

APPELLANT

Vs

Vice President (Personnel and Administration and Others)

RESPONDENT

Date of Decision : 29-05-2001

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2001) 2 UC 87

Hon'ble Judges : P.C.Verma, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

P.C. Verma, J.—This writ petition has been filed by the Petitioner seeking a writ of certiorari to quash the transfer order passed by a private company. It is not a government company. The Petitioner has not been able to establish before this Court that the company is an instrumentality of State therefore, its action is amenable to writ jurisdiction. The Learned Counsel for the Petitioner pointed out that the order is in violation of Section 6-E of the Industrial Disputes Act as well as model standing orders. The petition is seeking remedy against the violation of the provisions of the Industrial Disputes Act, therefore, the Petitioner has remedy before the Industrial Tribunal or before the Labour Court in view of the law laid down by the apex court in Premier Automobiles Ltd. v. K.S. Wadke reported in 1975 (31) S.C. F.L. Rule 195.

2. The Learned Counsel for the Petitioner has submitted that the Labour Commissioner has directed vide annexure-9 to the writ petition to the company to cancel the transfer orders as it was found to be in violation of the standing orders. The said order is not being implemented by the company and the Labour Commissioner be directed to take necessary action. The labour Commissioner is not powerless if his order is not complied with, he has ample power to proceed against the company and see his order is implemented.

3. In these circumstances, no order is required to be passed in the writ petition.
4. For the reasons mentioned above, the writ petition is dismissed.