

(1999) 03 AHC CK 0124
In the Allahabad High Court
Case No : Writ Petition No. 1629 of 1992

Sabal Mazdoor Manch and Another

APPELLANT

Vs

State of U.P. and Another

RESPONDENT

Date of Decision : 17-03-1999

Acts Referred:

Uttar Pradesh Industrial Disputes Act, 1947 — Section 4K

Citation : (2001) 3 LLJ 481

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

Bench : Single Bench

Final Decision : Disposed Of

Judgement

P.C. Verma, J.—This writ petition is directed against the order dated February 15, 1992 passed by the Assistant Labour Commissioner refusing to refer the dispute for adjudication. It was not explained as to when the dispute arose whether the Trade Union was registered or not. Now the learned Counsel for the petitioner fairly submits that the Trade Union was not registered. In this case the reference has been rejected and it has been provided in the impugned order that individual workmen may raise their grievance.

2. Learned Counsel for the petitioner submits that u/s 4-K of the U.P.I.D. Act a reference to the Labour Court can be made in case of apprehended dispute or existing dispute. In the impugned order it has been found that the dispute is existing but at the time when the dispute arose the Trade Union was not in dispute, therefore, the existence of dispute was very much there and that is why the State Government gave liberty to the individual workmen to raise their dispute.

3. Learned Counsel for the petitioner submits that it was well within the competence of the State Government u/s 4-K to have referred the dispute without asking any application from the individual members, as the existence of dispute was very much there, ignoring the reference made by the unregistered

Trade Union.

4. I find force in the submission of the learned Counsel for the petitioner, therefore, I direct the State Government to pass an order referring the dispute of those workmen who have not been relegated to the Labour Court for adjudication. The writ petition is disposed of accordingly.

5. Since the Court has directed for reference, the delay in making the reference shall not come in the way.