

(2003) 12 GUJ CK 0006
In the Gujarat High Court

Case No : Special Civil Application No. 9564 of 2003

Saurashtra Chemicals Ltd.

APPELLANT

Vs

Saurashtra Chemicals Employees Union

RESPONDENT

Date of Decision : 16-12-2003

Acts Referred:

Citation : (2003) 12 GUJ CK 0006

Hon'ble Judges : R.R. Tripathi, J

Bench : Single Bench

Advocate : Nanavati Associates in Special Civil application No. 9564 of 2003, for the Appellant; Saurabh J. Mehta in Special Civil Application No. 9564 of 2003, for the Respondent

Final Decision : Dismissed

Judgement

Ravi R. Tripathi, J.—Rule.

Mr.Saurabh J.Mehta, learned Counsel, appears and waives service of Rule on behalf of the respondent.

At the joint request of the learned Counsel for the parties, the matter is taken up for final disposal today.

2. After the matter was heard for some time, Mr.K.S.Nanavati, learned Senior Counsel for the petitioner, submitted that the only prayer made in Exh.34 in Reference (IT) No.51 of 1989 was that both the References, namely, Reference (IT) Nos.51 of 1989 and 130 of 2002, be consolidated as, according to Mr.Nanavati, the issue involved in both these References is common.

3. In Reference (IT) No.51 of 1989, the demand raised is as to whether "the incentive allowance, which is given to the workers working in the second shift on completion of work of 2,000 bags, be given to the workers working in the first shift also", whereas the demand/dispute raised by the petitioner-Company in Reference (IT) No.130 of 2002 is with regard to the fixing of the norms of

incentive payment in both the shifts in Bagging Godown Department.

4. Be that as it may, in the considered opinion of this Court, the interest of justice will be met if the petition is disposed of with a direction to the learned Member of the Industrial Tribunal to hear and decide both the References together in a time bound frame and in case, the learned Member of the Industrial Tribunal finds that the evidence recorded in one of the References is going to be the same, the same need not be re-recorded. Order accordingly. Taking into consideration the fact that the earlier Reference is of the year 1989, the Industrial Tribunal is directed to give priority to both the References and decide them within six months from the date of receipt of this order.

Both the learned Advocates appearing for the parties assures this Court that their counterpart will extend full cooperation so as to enable the Industrial Tribunal to decide the References within the prescribed time limit.

Rule is made absolute to the aforesaid extent only. No order as to costs.