
(2000) 05 AHC CK 0155
In the Allahabad High Court
Case No : Writ Petition No. 21510 of 2000

State of U.P.

APPELLANT

Vs

Labour Court and Another

RESPONDENT

Date of Decision : 08-05-2000

Acts Referred:

Constitution of India, 1950 — Article 226
Industrial Disputes Act, 1947 — Section 2

Citation : (2002) 4 LLJ 754

Hon'ble Judges : R.H. Zaidi, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

R.H. Zaidi, J.—Heard the learned Standing Counsel and Sri Gopal Narain who appeared for the respondent No. 2.

2. By means of this petition filed under Article 226 of the Constitution of India petitioner challenges the validity of the orders dated December 24, 1998 and October 15, 1999.

3. It appears that at the instance of respondent No. 2, an industrial dispute was referred by the Government to the Labour Court for decision wherein the question of validity of the termination of the services of the petitioner by the order dated April 24, 1992 was involved. Notices issued by the Tribunal were served upon the petitioner but inspite of that none appeared before the Labour Court on behalf of the petitioner. Consequently the Labour Court proceeded ex parts and after perusing the materials on record held that the order of termination dated April 24, 1992 whereby services of the petitioner as Helper/Beldar were terminated, was held illegal and unreasonable. Hence the present writ petition.

4. Learned Standing Counsel submitted that the Irrigation Department was not an industry, therefore. Labour Court has no jurisdiction to entertain the industrial

dispute and decide the same. On the other hand learned counsel appearing for the respondent No. 2 submitted that the reference whereby the question as to whether irrigation department was an industry or not was rejected by the Constitution Bench of Supreme Court in Coir Board Ernakulam Kerala State and Another Vs. Indira Devi P.S. and Others, decided by the judgment and order dated November 10, 1998, therefore, the law laid down by the Supreme Court in the case of Bangalore Water Supply and Sewerage Board Vs. A. Rajappa and Others, was still a good law. In view of the aforesaid facts the submission made by learned Standing Counsel that the Irrigation Department was not an industry cannot be accepted.

5. In view of these facts, no case for interference under Article 226 of the Constitution of India is made out.

6. The petition fails and is dismissed.