

(2003) 07 JH CK 0117

In the Jharkhand High Court

Case No : Writ Petition (PIL) No. 4927 of 2002

Tata Robin Fraser Labour Union

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 24-07-2003

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2003) 4 JCR 239

Hon'ble Judges : P.K. Balasubramanyan, C.J;R.K. Merathia, J

Bench : Division Bench

Advocate : Rajeev Ranjan, for the Appellant; Sameer Saurabh and Krishna Shankar, for the Respondent

Judgement

1. Heard counsel on both sides.

2. The complaint in this writ petition arises out of the inter se position occupied by Labour Courts and Industrial Tribunals. The petitioner has pointed out that from a decision of Labour Court an appeal lies to the Industrial Tribunal and when Presiding Officers of both the Courts are of the same rank, it causes embarrassment. The qualification for the office is prescribed in the Statute. Unless that is amended, it may not be possible for this Court to intervene on the basis of such a complaint. But that apart, except some problem that can be called egocentric, there cannot be any problem for any Presiding Officer of the Labour Court, if an appeal against his decision is decided by the Industrial Tribunal, whoever may be the person manning that position. In our view, it does not appear to be a ground for our interference with the statutory scheme now being adopted.

3. What we find more substantial is the grievance of the petitioner in the writ petition that old cases are pending in Labour Courts, especially in Jamshedpur and old references are pending in Industrial Tribunals in the State. We think that it is necessary for the Labour Courts and the Industrial Tribunals to tackle the problem of arrears on a war-footing. No Labour Court can afford to keep a case

of the year 1986 pending on its file. It is necessary for the Presiding Officers of Labour Courts and Industrial Tribunals, who are District Judges, to realize the need for disposing of the old cases pending before them following the norm of taking up for disposal the oldest cases first. One expects that the judicial training that they have, should come to their aid in carrying forward this objective. The Labour Courts and Industrial Tribunals under the Industrial Disputes act and various other labour welfare enactments were conceived of and created with a view to bring speedy disposal of disputes between workmen and the Management, probably thinking that the disputes in civil Courts normally take a longer time for resolution. But the picture projected in this writ petition makes one wonder whether the objective of creating these Tribunals and Labour Courts has really been achieved? It is time that the Presiding Officers take control of the cases pending before them. We think that the judicial officers should shrug off their lethargy and ensure that cases are taken up and disposed of as expeditiously as possible, at the same time, ensuring that the fair procedure contemplated by law is adhered to and not sacrificed at the altar of expediency.

4. We, therefore, dispose of this writ petition by directing all Labour Courts and Industrial Tribunals to take up and dispose of all pre-1995 cases and references on a war footing and try and dispose them of as expeditiously as possible. The Labour Courts and the Tribunals should also adhere, as far as possible, to the rule of "first filed, first disposed of, unless there is an intervention" by any judicial direction or a binding directive.

5. The Registry is directed to communicate a copy of this judgment to all Labour Courts and Industrial Tribunals in the State.