

(2007) 02 UK CK 0033
In the Uttarakhand High Court

U.P. Jal Vidyut Nigam Ltd. and Others	APPELLANT
Vs	
Regional Conciliation Officer/Assistant Labour Commissioner and Others	RESPONDENT

Date of Decision : 12-02-2007

Acts Referred:

Uttar Pradesh Industrial Disputes Act, 1947 — Section 4

Citation : (2007) 2 LLJ 1038

Hon'ble Judges : Rajesh Tandon, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Rajesh Tandon, J.—Heard Sri Vinay Kumar, counsel for the petitioners and Sri Sharad Sharma, counsel for the respondent No. 3.

2. By the present writ petition, petitioners have prayed for quashing the order dated May 31, 2000 by which the dispute has been referred u/s 4K of the U.P. Industrial Disputes Act, 1947.

3. Briefly sated, an application was filed by the respondent No. 3 before the Regional Conciliation Officer/Assistant Labour Commissioner, Dehradun that his termination was wholly illegal and has also prayed for condonation of delay in raising the dispute. However, the delay was condoned on June 25, 1999.

4. On the other hand. Counsel for the respondents has referred judgment of the Apex Court in Ajaib Singh Vs. The Sirhind Co-Operative Marketing Cum-Processing Service Society Limited and Another, , that the delay is no ground to reject the reference.

5. Since the order impugned, by which the reference has been made being interlocutory in nature and the reference is still pending, therefore, no writ petition is maintainable against the order by which the dispute has been referred, however, it will be open for the parties to challenge the award along with the order by which the delay has been condoned after the disposal of the

case finally.

6. Subject to the aforesaid observations, writ petition is not maintainable at this stage, hence the same is dismissed. No order as to costs.