
(1999) 08 AHC CK 0040
In the Allahabad High Court
Case No : C.M.W.P. No. 3238 of 1980

Usha Sales Limited and another	Vs	APPELLANT
Labour Court U.P. and others		RESPONDENT

Date of Decision : 27-08-1999

Acts Referred:

Uttar Pradesh Industrial Disputes Act, 1947 — Section 4K, 6A

Citation : (1999) 4 AWC 3191 : (1999) AWC 3191 : (1999) 3 UPLBEC 2242

Hon'ble Judges : Yatindra Singh, J

Bench : Single Bench

Advocate : Ashok Mohiley, for the Appellant; K.P. Agarwal, R.C. Singh, S.C. and Anuradha Sundaram, for the Respondent

Judgement

Yatindra Singh, J.—Sri Krishna Gopal and Sri Lala Ram (the contesting respondents) were workmen with the petitioner. Their services were terminated on 13.12.1971. The union on their behalf raised an industrial dispute, which was referred by the State Government to the Labour Court on 29.6.1974. It was registered, as adjudication Case No. 235 of 1974. Subsequently, the matter was settled on 4.4.1997 between the petitioner and the union Sponsoring the dispute of the contesting respondents. The petitioner's representative and the Secretary of the Union signed this settlement. The Labour Court accepted the settlement and decided the dispute in its terms on 9.4.1977. The award was also published on 24.4.1977.

2. The contesting respondent again raised this dispute before the conciliation officer. This was referred by the State Government to the Labour Court by the G. O. dated 18.2.1980 on 18.2.1980. Earlier both the contesting respondents were covered by one referring order dated 29.6.1974. The present writ petition is for quashing of the reference order dated 7.2.1980 and 18.2.1980 and for prohibition, restraining the Labour Court from deciding the same on the ground that the dispute already settled, can not be referred to the Labour Court again.

3. I have heard Sri Ashok Mohiley, counsel for the petitioner and Sri K. P. Agrawal

and Ms. Anuradha Sundaram for the respondents.

4. The dispute relating to termination of service of the contesting respondent is already settled between the petitioner and the union sponsoring the dispute on behalf of the contesting respondents. The Labour Court has pronounced award and it has already been published. The period of thirty days has already expired after its publication. Hence, the award has become effective and final between the parties. This is the effect of Section 6A of the U. P. Industrial Disputes Act, 1947. The same dispute cannot be referred for adjudication again. This is also so held by the Andhra Pradesh (Joseph v. Panyan Cement and Mineral industry, 1967 1 LLJ 10 Mysore (Marya Soams v. Common Health Factory, 1968 21 LLJ 438 and Punjab (British India v. State of Punjab Corporation, 1968 11 LLJ 350 High Courts.

5. The writ petition is allowed and both the references dated 7.2.1980 and 18.2.1980 are quashed.