

S.B. CIVIL WRIT PETITION NO.3488/1998
(Tota Singh & Ors. Vs. UOI & Ors.)

Date of order : : 02.07.2014

HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr. Vijay Mehta, for the petitioners.
Mr. Shailendra Kala, for the respondents.



In this writ petition, the petitioners are challenging the validity of the impugned order dated 08.09.1998 (Annex.4) whereby the Ministry of Labour, Government of India refused to refer the dispute to the Judge, Labour Court for adjudication.

Learned counsel for the petitioners submits that there is no power left with the appropriate Government to adjudicate the matter. The appropriate government is under obligation to refer the industrial dispute to the Judge, Labour Court for adjudication. It is further submitted that the refusal to refer the dispute by the respondent authority is completely erroneous because the petitioners are seeking remedy under the Industrial Disputes Act which cannot be denied by the appropriate government.

Learned counsel for the respondents submits that as per the facts of the case, the petitioners were not even appointed, therefore, there was no question to refer the matter for adjudication to the Judge, Labour Court, therefore, the order impugned is perfectly justified.

After hearing learned counsel for the parties, I am of the opinion that there is no power left with the appropriate government to adjudicate the dispute. The appropriate Government is under obligation to refer the matter after receiving failure report from the conciliation officer for adjudication to the Labour Court in view of the judgment rendered by this Court in Laxman Singh Vs. State of Rajasthan reported in RLW 1997 (1) Raj. p.191.



In view of above, this writ petition is hereby allowed.

The impugned order dated 08.09.1998 (annex.4) is hereby quashed and set aside with the direction to the respondents to refer the matter for adjudication to the concerned labour Court within a period of three months from the date of receipt of certified copy of this order.

(GOPAL KRISHAN VYAS), J.

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