

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA**CWP No.731 of 2025****Date of Decision: 15.09.2025**

The President, Workers Evam Karamchari Union

.....Petitioner

Versus

State of Himachal Pradesh & others

... Respondents

Coram:

Hon'ble Mr. Justice Sandeep Sharma, Judge.Whether approved for reporting? ¹

For the Petitioner: Ms. Shikha Chauhan, Advocate.**For the Respondents:** Mr. Rajan Kahol & Mr. Vishal Panwar, Additional Advocate Generals with Mr. Ravi Chauhan & Mr. Anish Banshtu, Deputy Advocates General, for the respondent-State.

Mr. Vishal Sharma, Advocate (through video conferencing) for respondent No.4.

Sandeep Sharma, Judge(oral):

Being aggrieved and dissatisfied with the order dated 15.10.2024(Annexure P-2) passed by learned Presiding Judge, Labour Court-cum-Industrial Tribunal, Kangra at Dharamshala, in Reference No. 80/2022 titled **The President, Workers AVM Karamchari Union, Luminous Power Technologies, Unit-1, Gagret, District Una vs. Factory Manager, M/s Luminous Power Technologies Private Limited, Unit-1, Gagret, Tehsil Amb District**

¹ Whether the reporters of the local papers may be allowed to see the judgment?

Una, Himachal Pradesh, whereby an application under Rule 13 of the Industrial Dispute Act read with Section 151 CPC, having been filed by the petitioner-Union, praying therein to transfer the case Reference No. 80/2022 from Circuit Bench, Una to Circuit Bench Bilaspur, came to be rejected, petitioner-Union has approached this Court in the instant proceedings filed under Article 226 of the Constitution of India, praying therein for following main relief:-

“ That the impugned order Annexure P-1 may kindly be quashed and set aside being unjust and not legal and the directions may kindly be issued that the reference case of the petitioner vide reference No.80 of 2022 pending before Labour Court Kangra be listed at Circuit Court Bench Bilaspur of Labour Court Kangra.”

2. Precisely, the facts of the case, as emerge from the pleadings and other material adduced on record by the respective parties, are that some industrial dispute arose inter-se petitioner-Union and respondent No. 4- Management, as a result thereof, a reference came to be made to the Presiding Judge, Labour Court-cum-Industrial Tribunal, Kangra at Dharamshala, H.P, but before same could be concluded, Government of Himachal Pradesh decided to set up Circuit Benches at various places relating to Kangra, Chamba, Una, Hamirpur, Kullu, Lahaul & Spiti, Mandi and Bilaspur Districts of Himachal Pradesh, as a result thereof, Labour Court

Shimla came to be debarred from adjudicating the industrial disputes of aforesaid districts. Pursuant to afore policy decision taken by the Government of Himachal Pradesh, one Circuit Bench of Labour Court, Dharamshala came to be constituted at Una, District Una, Himachal Pradesh. Since dispute inter-se petitioner-Union and respondent-Management was qua the industrial work at Gagret, District Una, coupled with the fact that both the members of the petitioner-Union and the respondent-management were residing in District Una, Reference No. 80/2022 came to be transferred to Circuit Bench, Una.

3. Before proceedings could commence at the Circuit Bench at Una pursuant to policy decision taken by the State of Himachal Pradesh, petitioner-Union approached the Labour Commissioner, Himachal Pradesh, praying to transfer the reference, as detailed hereinabove, to District Shimla, but such prayer was rejected vide order dated January, 2024 (Annexure P-4). While passing aforesaid order, Deputy Labour Commissioner, Himachal Pradesh, apprised the petitioner-Union that the Department of Labour and Employment, Government of Himachal Pradesh, vide notification No. Shram (E) 3-2/2002 dated 20.08.2004 has constituted the Labour Court-cum-Industrial Tribunal at Dharamshala under Sections 7(1) and 7A of the Industrial Disputes Act, 1947 for adjudication of the Industrial disputes relating to any matter specified in the Second and Third Schedules,

and for performing such other functions as may be assigned to them under this Act relating to Kangra, Chamba, Una, Hamirpur, Kullu, Lahaul & Spiti, Mandi, and Bilaspur districts of Himachal Pradesh, as a result thereof, Labour Court at Shimla is debarred from adjudicating the industrial disputes of the aforesaid districts.

4. After passing of aforesaid order, petitioner-Union started participating in case Reference No. 80 of 2022 at Dharamshala, but ultimately, on account of constitution of a Circuit Bench, Reference No. 80 of 2022 came to be transferred to the Circuit Bench at Una. Admittedly, at Una, both the parties participated in the reference, as detailed hereinabove. However, before conclusion of proceedings before Circuit Bench at Una, petitioner-Union filed an application under Rule 13 of the Industrial Disputes Act read with Section 151 CPC on behalf of the workmen with a prayer to transfer the matter from Dharamshala to Bilaspur. It came to be averred in the application that fixation of cases at Una is not suitable to the applicant workmen, as they are not able to engage lawyers conversant with labour laws and they have to engage them as per their choice from Shimla. The petitioner-Union further submitted that prior to fixation of cases at Circuit Bench Una, the case was posted at Dharamshala and the workmen requested to shift the cases at Circuit Bench, Bilaspur, so that they are able to engage the counsel of their choice. However,

such prayer of them came to be rejected vide impugned order dated 15.10.2024 (Annexure P-2) passed by learned Presiding Judge, Labour Court-cum-Industrial Tribunal Kangra at Dharamshala. In the aforesaid background, the petitioner has approached this Court in the instant proceedings, praying therein for relief, as has been reproduced hereinabove.

5. I have heard the parties and gone through the records of the case.

6. In nutshell, case of the petitioner, as has been highlighted in the petition and further canvassed by Ms. Shikha Chauhan, learned counsel for the petitioner, is that impugned order dated 15.10.2024 passed by learned Labour Court is not sustainable in the eyes of the law, being totally contrary to the very purpose and object of setting up Circuit Benches at different places. Ms. Chauhan states that though the principal seat of Labour Court-cum-Industrial Tribunal, Kangra is at Dharamshala where the Presiding Judge is authorized to exercise territorial jurisdiction over cases relating to Kangra, Chamba, Una, Hamirpur, Kullu, Lahaul & Spiti, Mandi, and Bilaspur districts of Himachal Pradesh, but respondent-State, having noticed hardships being faced by workmen, who after being retrenched/terminated may be living at a place other than place of their work, constituted circuit benches, so that they can submit or

contest their claims in the Districts where they are residing. Ms. Chauhan states that impugned order passed by learned Labour Court is erroneous for the reason that on account of change of circuit bench, if any, from Una to Bilaspur would not alter the territorial jurisdiction of the court, which remains with the same court, especially when it is not in dispute that Presiding Judge of the Principal Bench at Dharamshala holds circuit courts in the districts, as detailed hereinabove. Ms. Chauhan further states that since majority of workmen of the petitioner-Union, after their being terminated, have relocated to their native places, which is not district Una, rather other parts of Himachal Pradesh, as such, they, with a view to choose one place, where they all can meet their lawyer, moved an application, seeking therein transfer of their case from Una to Bilaspur. She states that respondent management has ample resources at its disposal and in the event of prayer of the petitioner being allowed, no prejudice, if any, shall be caused to the management, rather in the event of refusal of prayer, if any, made by the petitioner, great prejudice would be caused to the workmen, who would be compelled to travel to Una from various far-flung areas of Himachal Pradesh.

7. To the contrary, Mr. Rajan Kahol, learned Additional Advocate General and Mr. Vishal Sharma, learned counsel for the respondent-management, supported the impugned order. They

submitted that if the petitioner's prayer to transfer the case from Una to Bilaspur is allowed, very purpose and object of setting up circuit bench at Una and other places would be defeated. They submitted that very purpose and object of establishing circuit benches at different places, which come under the territorial jurisdiction of the Principal Bench at Dharamshala, is to ensure that cases originating in Una, which is an industrial hub, are decided at Una, so that people from the management and workmen are not compelled to travel to Dharamshala. They further submitted that since cause of action accrued to the workmen at Una, coupled with the fact that circuit bench is already constituted at Una, prayer made on behalf of the petitioner for transfer of the case from Una to Bilaspur cannot be accepted. They submitted that in case prayer made on behalf of the petitioner is allowed, other workmen whose disputes are pending in different districts/ circuit benches may also come to this Court with similar prayer and in that event very object and purpose of setting up circuit benches would be defeated. They also submitted that otherwise also, no cogent and convincing reason has been assigned in the application for the transfer of the case from Circuit Bench at Una to Bilaspur and as such, no illegality can be said to have been committed by the learned Labour Court, while passing impugned order and as such, no interference is called for.

8. Though, this Court may not agree with the argument advanced by learned Additional Advocate General as well as the counsel representing the respondent management that in the event of prayer made by the petitioner being allowed, there would be change of territorial jurisdiction, but certainly having taken note of the fact that State of Himachal Pradesh constituted circuit benches at different places with a view to mitigate the hardship of workmen, this Court finds no reason to intervene. Once it is not in dispute that Principal Bench at Dharamshala has jurisdiction to adjudicate cases relating to Kangra, Chamba, Una, Hamirpur, Kullu, Lahaul & Spiti, Mandi and Bilaspur districts of Himachal Pradesh, the Circuit Bench at Una shall have jurisdiction to adjudicate the matter, rather this Court is of the view that reference in the first instance has to be made to the Principal Bench at Dharamshala, which may further post the matter at Una for the convenience of the parties. However, having taken note of the fact that dispute, if any, inter se member of the petitioner-Union and respondent-Management arose while members of the petitioner-Union were working at Una, coupled with the fact that office of the respondent-Industry is also situated at Una, there appears to be no justification to accede to the request made by the petitioner for transfer of the case from Una to Bilaspur that too on the grounds raised in the application. If the application filed by the petitioner-Union

is perused in its entirety, wherein it is stated that workmen of the union are unable to find a competent lawyer at Una may not be ground to accept the request of the petitioner for transfer of the case from circuit Bench Una to circuit Bench Bilaspur. The petitioner may be right in contending that after they have been terminated, majority of the workmen have returned back to their native places and as such, it may not be convenient for them to come to Una. However, this Court cannot lose sight of the fact that all the workmen involved in the dispute with the respondent-management do not hail from one district, rather majority of them reside at Una and some of them in various other places.

9. Be that as it may, once it is not in dispute that Circuit Benches at different places have been set up by the Government of Himachal Pradesh to mitigate the hardship, if any, of the workmen, coupled with the fact that majority of the workmen of the petitioner union are residing in Una, this Court is persuaded to agree with learned Additional Advocate General that in case prayer made by the petitioner-Union is accepted, very purpose and object of setting up Circuit Benches at different places would be frustrated.

10. In the case at hand, at first instance, prayer was made by the petitioner-Union to transfer the case from Dharamshala to Una, but such prayer was rejected vide order dated January 2024 passed

by the Deputy Labour Commissioner, Himachal Pradesh, Shimla and thereafter prayer came to be made that case may be transferred from Circuit Bench Una to Circuit Bench, Bilaspur. Once petitioner-Union was comfortable with adjudication of cases of its members at Shimla, it is not understood what prejudice would be caused to them in case their cases are decided at Una, especially where the cause of action actually arose. This Court finds that on account of filing these applications for transfer, reference which would have been decided by now is hanging in fire and as such, prayer made on behalf of the petitioner deserves to be dismissed.

11. Consequently, in view of the above, the present petition is dismissed. Interim order dated 25.04.2025 is vacated. Pending applications, if any, also stand disposed of.

12. The parties, through their respective counsel, are directed to appear before learned Tribunal below on **26.10.2026**, enabling it to proceed with the matter. Having taken note of the fact that case has been hanging fire for quite long, this Court hopes and trusts that Tribunal would make all-out efforts to decide the reference expeditiously, preferably within a period of four months.

**(Sandeep Sharma),
Judge**

September 15,2026
(shankar)