

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (L) No. 148 OF 2015**

Dheersai S/o Manbodh Ram aged about 48 years R/o village Unchdih P.O. Basdei P.S. & Tahsil Surajpur Civil and Revenue District Surguja (At present Surajpur) (CG)

---Petitioner

Versus

Deputy Director Sericulture Department Ramanujganj Road Ambikapur P.S. and Post Ambikapur Civil and Revenue District Surguja (CG)

----Respondent

For Petitioner	:	Ms. Priyanka Mehta, Advocate
For Respondent	:	Mr. Gary Mukhopadhyay, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****24/11/2015**

1. With the consent of learned counsel appearing for the parties, the matter is heard finally.
2. The appropriate Government referred the matter to the Labour Court for adjudication under the provisions of Industrial Disputes Act. The said reference was dismissed for default on 29/03/2012 as the petitioner was absent on that day. Thereafter, he filed an application for restoration under Order 9 Rule 9 of the Code of Civil Procedure, which was also dismissed on 27/07/2015 as no sufficient cause has been shown by the petitioner in the application for restoration.
3. In a decision rendered by this Court in Writ Petition (L) No. 6/2012 (**Hemant Kumar Nayak v. State of Chhattisgarh and Others**) decided on **28/10/2015**, has held that once a valid reference is made by the appropriate Government exercising the jurisdiction vested in it, the Labour Court has no

authority and jurisdiction to dismiss the reference and the Labour Court is obliged to answer the reference *ex parte* in absence of defaulting parties.

4. In the matter of **Sarva Shramik Sangh v. Indian Home Pipe¹**, the Supreme Court has held that Industrial Tribunal and Labour Court is not bound by the technical rules of procedure which bind the Civil Court.

5. In view of the aforesaid decisions rendered by this Court as well as the Supreme Court in **Hemant Kumar Nayak and Sarva Shramik Sangh (supra)**, the orders passed by the Labour Court dated 27/07/2015 and 29/03/2012 are hereby set aside. Reference Case No.36/I.D.Act/2012 is restored to its original number for hearing and disposal in accordance with law.

6. The Labour Court, Ambikapur is directed to consider and decide the reference case within a period of four months from the date of receipt and/or production of certified copy of this order.

7. Parties are directed to appear before the Labour Court, Ambikapur on **14th December, 2015**.

Sd/-
(Sanjay K. Agrawal)
JUDGE

Tiwari

1 (1993) 2 SCC 386