

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Civil Writ Petition No.14047 of 2015
Date of Decision: July 20, 2015

Officiating Additional Director, Central Govt.Health Scheme, Ministry of
Health and Family Welfare, Chandigarh

...Petitioner

Versus

Jindal & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr.Brijeshwar Singh Kanwar, Senior Standing Counsel,
for the petitioner.

AMIT RAWAL, J.(Oral)

The challenge in the present writ petition is to the impugned order dated 11.11.2014 (Annexure P-7) and subsequent notice dated 18.11.2014 (Annexure P-8) issued by respondent No.4 calling upon the petitioner-Management to appear before the Tribunal-cum-Labour Court on the premise that the order dated 11.11.2014 referring the dispute to the Central Government Industrial Tribunal-cum-Labour Court No.1, Chandigarh is bad in law inasmuch as that the petitioner-Management does not fall within the definition of 'industry'.

Learned counsel appearing on behalf of the petitioner submits that a specific objection was raised before the conciliation proceedings that

the Additional Director, Central Government Health Scheme is a department under the Government of India, Ministry of Health and Family Welfare and, therefore, is not an industry as per the Industrial Disputes Act, 1947. He also submits that the Labour Court is enjoined upon an obligation to only decide the schedule of reference culled out in order dated 11.11.2014.

Be that as it may, the fact remains that this objection can be taken in their reply to the claim statement purported to be filed by the Management before the Labour Court and the Labour Court had to decide this question/objection vis-a-vis the Management being an industry or not.

With the aforementioned observations, the order of reference is upheld and the writ petition is disposed of.

July 20, 2015
ramesh

(AMIT RAWAL)
JUDGE