

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

**CWP No.8615 of 2015 (O&M)
Date of decision: 04.05.2015**

Cosco India Limited

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

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

Present:- Mr. Ajay Bhardwaj, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

Challenge in the present writ petition is to the impugned order dated 13.05.2010 (Annexure P-4) as well as order dated 04.04.2006 (Annexure P-2), whereby the petitioner had sought a reference to the Labour Court in view of the settlement arrived at between the Management and workman, for the purpose of wages under the Minimum Wages Act.

Learned counsel for the petitioner submits that against Annexure P-4, the petitioner wrongly approached Civil Court and the

Civil Court dismissed the suit in the year 2014 and the appeal filed against the same was also dismissed. He further submits that there is no delay but the petitioner was bonafidly pursuing his remedy in competent Court of law. He also submits that intimation dated 02.03.2010 (Annexure P-8) was never disclosed by the Government before the Civil Court and this was only received after passing of the judgment and decree by the Labour Court, whereby, the Government of Haryana was pleased to direct to settle the matter which was pending for the last six months in the interest of justice. The order dated 02.03.2010 (Annexure P-8) reads thus:-

“Whereas, as per the opinion of the Government of Haryana that there is industrial dispute in the matter between M/s Cosco India Limited, near Railway Road, Gurgaon and President Cosco Employees Union (Regd.No.1579) concerning to National Majdoor Congress (INTEK), 909/3, Street No.2, Rajiv Nagar, Gurgaon and the Governor of Haryana has been pleased to direct in the interest of justice.

So, now exercising the powers under Section 10(1)(c) of Industrial Dispute Act, 1947, the Governor of Haryana is pleased to direct to settle the matter in the interest of justice which are pending for the last six months as per the amendment made from time to time and the below mentioned matter which are pending between the

aforesaid Management and Workmen or the matter(s) under dispute as per Section 7(a) of the aforesaid Act:

“Whether all the workmen are affected for the increase in wages/pay in the minimum wages as per Clause-3 of the tripartite agreement dated 04.04.2006 executed between the Management of M/s Cosco India Limited and the Union of the workmen or whether those workmen shall be entitled who were getting less wages/pay than the minimum wages, on issuance of concerned notification. The workmen who are entitled for the same that for which relief and the amount?”

Once there is also an order passed by the Government, there was no occasion for the Labour and Conciliation Officer to straight away drop the conciliation proceedings without referring the matter to Labour Court, though as per law, the petitioner can also straight away claim under Section 2-A of the Industrial Disputes Act, 1947.

Be that as it may, once there is an order of Government to refer the dispute, it would be just and fair to direct the respondents to send the reference to the Labour Court. The principles of Article 137 of the Limitation Act do not apply to the proceedings under the Industrial Disputes Act and therefore, the petitioner cannot be non-suited on the ground of delay and latches.

In view of what has been observed above, I deem it

appropriate to allow the writ petition, with a direction to the respondents to send reference to the Labour Court so that the alleged controversy comes to logical conclusion.

Writ petition stands disposed of.

(AMIT RAWAL)
JUDGE

May 04, 2015
savita