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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 6357/2000**

S. SHIVAKUMAR

..... Petitioner

Through: Mr. U.K.Sharma and Mr. Urmil
Sharma, Advocates.

versus

ORIENTAL BANK OF COMMERCE & ANR.

..... Respondents

Through: Mr. Jagat Arora and Mr. Rajat Arora,
Advocates.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **16.12.2016**

1. Petitioner is admittedly a workman under the Industrial Disputes Act.
2. Respondent-employer has raised an objection that this Court should not exercise jurisdiction because petitioner has an alternative efficacious remedy under the Industrial Disputes Act and it is also further argued that even if the employer fails to sustain the enquiry proceedings before the Industrial Tribunal/Labour Court, yet employer in Industrial Tribunal/Labour Court can lead evidence to sustain the charge sheet and the penalty order against the workman and which cannot be done in this writ

petition. Reliance in support is placed upon the various judgments of the Supreme Court in the cases of ***Worker of Motipur Sugar Factory (Pvt.) Ltd. Vs. Motipur Sugar Factory AIR 1965 SC 1803, Engineering Laghu Udyog Employees' Union Vs. Judge, Labour Court and Industries Tribunal (2003) 12 SCC 1 and Another, Karnataka State Road Transport Corpn. Vs. Lakshmiddevamma (Smt.) & Anr. (2001) 5 SCC 433*** and other judgments.

3. At this stage, counsel for the petitioner states that instead of the present petition being decided by this Court, the present petition be treated as a dispute under the Industrial Disputes Act and the industrial dispute be referred for decision to the Central Government Industrial Tribunal (I), New Delhi. Accordingly, this petition is taken as a dispute under the Industrial Disputes Act between the parties to the present petition and is transferred for decision to the Central Government Industrial Tribunal (I), Karkardooma Courts, New Delhi.

4. Parties to appear before the Central Government Industrial Tribunal (I), Karkardooma Courts, Delhi on 15.1.2017. The concerned Central Government Industrial Tribunal is requested to expedite the disposal of the case and complete the hearing of the case to the extent possible within one

year of the first effective date fixed before the Central Government Industrial Tribunal. It is made clear that these time bound disposal directions are passed because it is agreed that both the parties will not take more than three opportunities each to complete their respective evidences and on the whole none of the parties will take more than three adjournments each in the case.

5. The Central Government Industrial Tribunal will decide the industrial dispute referred to it by this Court in exercise of extraordinary jurisdiction under Article 226 of the Constitution of India, in accordance with the applicable laws.

6. The writ petition stands disposed of accordingly.

VALMIKI J. MEHTA, J

DECEMBER 16, 2016

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