

HIGH COURT OF CHHATTISGARH, BILASPUR**MCC No. 908 of 2016**

- Mohan Jute Mill, through its Managing Director, having its registered office at K.Y.D. Street, 16-A, Palace Court, Kolkata, West Bengal.

---- Applicant**Versus**

1. Jagdish Singh, S/o Shri Brijbihari Singh, aged about 57 years, General Secretary, Rashtriya Jute Majdur Sangh, Jute Mill, Labour Colony, Raigarh, Tahsil and District Raigarh (CG)
2. State of Chhattisgarh, through the Secretary, Labour Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur (CG)
3. Deputy Labour Commissioner, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur (CG)
4. Assistant Labour Commissioner, Raigarh, Tahsil and District Raigarh (CG)

---- Respondent

For Applicant : Shri Amrito Das, Advocate.
 For Respondent No.1 : Shri S.P. Kale, Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****16/03/2017**

1. The present MCC for modification of the order dated 6.4.2015 passed in WPL No.49/2015 has been preferred on submission that the application preferred by respondent No.1-Jagdish Singh for referring the industrial dispute was to be referred to the jurisdictional CGIT and not to the Labour Court for adjudication.
2. It is informed that after the order dated 6.4.2015, the State Government

has referred the matter for adjudication to the jurisdictional Labour Court against which the present applicant has preferred WPL No.114/2016.

3. Since it is settled that the Industrial Court or Tribunal having jurisdiction over the matter is required to adjudicate the dispute and this Court in exercise of powers under Article 226 of the Constitution may not confer jurisdiction on an authority which lacks such jurisdiction as also for the reason that the order was not a biparte order and the issue concerning jurisdiction with the Labour Court or CGIT was never an issue before me, therefore, despite observations in para-3 of the order dated 6.4.2015 in WPL No.49/2015, the applicant would be at liberty to argue in his pending WPL No.114/2016 that the dispute is referable to the CGIT. Similarly, respondent No.1-Jagdish Singh shall also be entitled to raise argument that the dispute is referable to the Labour Court.
4. With the aforesaid observations, the MCC stands disposed of.

Sd/-
Judge
(Prashant Kumar Mishra)

Barve