

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

WRIT PETITION NO.4944 OF 1997  
WITH  
CIVIL APPLICATION NO.3519 OF 2005

Vimalbai Irappa Kamble,  
Age : 30 years, Occupation : Nil,  
R/o Latur, Taluka and District Latur.

...PETITIONER

-VERSUS-

1 Sahayak Sanchalak,  
Arogya Seva (Kusth),  
Latur, District Latur.  
(Assistant Director,  
Health Services (Leprosy),  
Latur, District Latur).

2 The State of Maharashtra.

...RESPONDENTS

...  
Shri A.N.Sabnis h/f Shri V.D.Gunale, Advocate for the Petitioner.  
Shri S.P.Tiwari, AGP, for Respondent No.2.  
...

**CORAM: RAVINDRA V. GHUGE, J.**

**DATE :- 02<sup>nd</sup> February, 2017**

Oral Judgment :

1 The Petitioner is aggrieved by the award dated 07.12.1995 delivered by the Labour Court by which Reference (IDA) No.8/1993 has been held to be untenable in law.

2           This Court, while admitting the petition on 07.01.1998, did not grant any interim relief to the Petitioner.

3           The Petitioner claimed to have been appointed on daily wages as a Peon from 09.09.1988. She worked continuously till 19.12.1990. On 20.12.1990, she was orally disengaged. She raised an industrial dispute and the matter was referred to the Labour Court. The issue raised before the Labour Court was as to whether, the State was an appropriate Government under Section 2(a) of the Industrial Disputes Act, 1947 or whether, the Central Government would be an appropriate Government.

4           The definition of "appropriate Government" under Section 2(a) of the Industrial Disputes Act, 1947 reads as under:-

- "(a)    *"appropriate Government" means*  
(i)     *in relation to any industrial dispute concerning any industry carried on by or under the authority of the Central Government, or by a railway company [or concerning any such controlled industry as may be specified in this behalf by the Central Government] or in relation to an industrial dispute concerning [a Dock Labour Board established under Section 5-A of the Dock Workers (Regulation of Employment) Act, 1948 or [the Industrial Finance Corporation of India Limited formed and registered under the Companies Act, 1956 (1 of 1956)] or the Employees' State Insurance Corporation established under Section 3 of the Employees' State Insurance Act, 1948 (34 of*

1948), or the Board of Trustees constituted under Section 3-A of the Coal Mines Provident Fund and Miscellaneous Provisions Act, 1948 (46 of 1948), or the Central Board of Trustees and the State Boards of Trustees constituted under Section 5A and Section 5B, respectively, of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 (19 of 1952), or the Life Insurance Corporation of India established under section 3 of the Life Insurance Corporation Act, 1956 (31 of 1956), or [the Oil and Natural Gas Corporation Limited registered under the Companies Act, 1956 (1 of 1956) or the Deposit Insurance and Credit Guarantee Corporation established under Section 3 of the Deposit Insurance and Credit Guarantee Corporation Act, 1961 (47 of 1961), or the Central Warehousing Corporation established under Section 3 of the Warehousing Corporations Act, 1962 (58 of 1962), or the Unit Trust of India established under Section 3 of the Unit Trust of India Act, 1963 or the Food Corporation of India established under Section 3 or a Board of Management established for two or more contiguous States under Section 16 of the Food Corporations Act, 1964 (37 of 1964), or [the Airports Authority of India constituted under Section 3 of the Airports Authority of India Act, 1994 (55 of 1994)] or a Regional Rural Bank established under Section 3 of the Regional Rural Banks Act, 1976 (21 of 1976) or the Export Credit and Guarantee Corporation Limited or the Industrial Reconstruction Bank of India Limited], [the National Housing Bank established under section 4 of the National Housing Bank Act, 1987 (53 of 1987), or [an air transport service, or a banking or an insurance company], a mine, an oil field], [a Cantonment Board], or a major port, any company in which not less than fifty-one per cent of the paid-up share capital is held by the Central Government , or any corporation, not being a corporation referred to in this clause, established by or under any law made by Parliament, or the Central public sector undertaking , subsidiary companies set up by the principal undertaking and autonomous

*bodies owned or controlled by the Central Government, the Central Government, and*

- (ii) *in relation to any other industrial dispute , including the State public sector undertaking, subsidiary companies set up by the principal undertaking and autonomous bodies owned or controlled by the State Government, the State Government:*

*Provided that in case of a dispute between a contractor and the contract labour employed through the contractor in any industrial establishment where such dispute first arose, the appropriate Government shall be the Central Government or the State Government, as the case may be, which has control over such industrial establishment."*

5           On the basis of the record and oral evidence, the Labour Court has noted as under:-

- (a)     The National Leprosy Eradication Programme was undertaken in India in 1986 with the guidelines from the Multi Drug Treatment (MDT) in Endemic District Project.
- (b)     The appointment of the Petitioner was as per Appendix-5 of the said scheme.
- (c)     The appointment order dated 09.09.1988 was placed on record which indicates that it was a contractual employment offered to the Petitioner.
- (d)     The Leprosy Division, Directorate General of Health Services, Ministry of Health and Family Welfare, New Delhi undertook National Leprosy Eradication Programme for Multi Drug

Treatment.

- (e) The State of Maharashtra was at liberty to indicate its acceptance for implementing the Multi Drug Treatment.
- (f) Systematic and scientific Multi Drug Treatment was carried out for about three years with the financial support of the Government of India.
- (g) Additional revenue was generated by the Government of India.
- (h) The Central, State and District Leprosy Staff involved in the MDT was to follow the administrative and financial guidelines of the Government of India.
- (i) The administration and financial support was arranged by the Government of India.
- (j) All the agencies associated with the said programme were to send the utilization certificate to the Government of India in the prescribed format along with annual statement of accounts.
- (k) The Government of India proposed the establishment of District Leprosy Society at each MDT district and such centres were to be registered under the Societies Registration Act.
- (l) The memo of articles of Association for the Society to be constituted was prepared by the Joint Director of Health

Services (Leprosy) and it was to be intimated to the Government of India.

- (m) The Ministry of Health and Family Welfare Department of the Central Government, by letter dated 04.11.1994, released grant in aid to the MDT Societies for the year 1994-1995.
- (n) At Sr.no.43 in the list supplied, the name of the Secretary, District Leprosy Society, Latur was shown to have been sanctioned Rs.7 lac as grant in aid for MDT.

6           It is in the light of the above facts that the Labour Court concluded that the Industrial Dispute raised before the State Authority could not have been entertained as the appropriate Government under Section 2(a) of the Industrial Disputes Act, 1947 was the Central Government.

7           Considering the above, I do not find that the Labour Court has committed any error in concluding that the reference was not maintainable.

8           As such, this Writ Petition being devoid of merit is, therefore, dismissed. Rule is discharged.

9           The pending Civil Application No.3519/2005 does not survive  
and stands disposed of.

*kps*

**(RAVINDRA V. GHUGE, J.)**