

WRIT PETITION NO. 2636 OF 2003

V/S

Union Of India & Anr.Respondents

Mr.K. P. Anilkumar for Petitioner.
Mr.A.D.Shetty for Respondent No.2.
Mr.M.S.Bharadwaj for Respondent No.1.
(No R & P)

**CORAM : A.A. SAYED &
M.S.KARNIK,JJ.**

DATED : 3 JULY 2017

P.C.:

By consent copies of the Petition are taken on record and the matter is heard.

2. The challenge in this Petition is to the order dated 29 April 2003 passed by the Under Secretary, Labour Ministry, Central Government, whereby the reference sought by the Petitioner-Union was denied. The relevant portion of the impugned order reads as follows:

“The service conditions of Electricians appointed in the Bank are governed by the Industry level settlement according to which they carry the pay scale of sub-staff alongwith special allowance as applicable. The claim of the union for placing them in Clerical Cadre is, therefore, found to be without basis.”

2. By letter dated 7 September 2001 a demand was raised by the Petitioner-Union in respect of 12 workmen. A bare reading of the impugned order would show that the Under Secretary has gone into merits of the matter in denying the reference.

3. In our view, it was impermissible for the Under Secretary to have gone into the merits of the dispute. In the circumstances, having regard to long passage of time and in the interest of justice, we pass the following order:

ORDER

(i) The impugned order is set aside.

(ii) Respondent No.1-Union of India is directed to refer the industrial dispute between the Petitioner-Union and the Respondent No.2 to the appropriate Tribunal for adjudication.

4. The Writ Petition is disposed of in the aforesaid terms. Rule made absolute accordingly.

(M.S.KARNIK, J.)

(A.A.SAYED, J.)