

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2699 OF 2017

Vidyapati Bhagwatpati Tiwari ... Petitioner.

Versus

Union of India and another ... Respondents.

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Ms. Anita Vasani i/b. Mr. Omprakash Pandey for the Petitioner.

Mr. Anjani Kumar Singh for Respondent No.1-UII.

Ms. Kavita Anchan i/b. M.V. Kini & Co. for Respondent No.2.

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**CORAM : R.M.BORDE &
R.G. KETKAR, JJ.**

DATE : 10th JANUARY, 2018

PER COURT :

1. The Central Government by the reference order no. L-11012/7/2004-(IR(M) dated 01.06.2004, has referred the industrial dispute in respect of termination of services of the petitioner by the management i.e. Airports Authority of India for adjudication to the Presiding Officer, Central Government Industrial Tribunal No.I, Mumbai. The grievance of the petitioner in the instant petition is that, though the reference is made in the year 2004, the same remained pending with the Central Government Industrial Tribunal / Labour Court No.I, and no orders have been passed in the matter for a number of years. The petitioner, as such, is requesting for issuance of directions to the concerned Industrial Tribunal to decide the reference (No.C.G.I.T.-

1 of 2004) within a specified time frame. It is pointed out that the post of Presiding Officer of Central Government Industrial Tribunal No.I is vacant and as such, the matters pending with the said Tribunal could not be taken up for hearing. The petitioner has also alternatively prayed for issuing of directions for transfer of the reference (No. C.G.I.T.-1/58 of 2004) to the Presiding Officer of the Central Government Industrial Tribunal / Labour Court No.II with a direction to decide the same within specified time frame.

2. This Court vide order dated 19.12.2017, sought instructions from the Union of India in respect of making an appointment to the vacant post of C.G.I.T-I in the near future. It is reported by the counsel for the Union of India that the order passed by this Court has been communicated and instructions are awaited.

3. In the circumstances, the ends of the justice would be met by issuing directions to the respondents to transfer the proceedings of the reference (No. C.G.I.T.-1/58 of 2004) to the Presiding Officer, Central Government Industrial Tribunal / Labour Court No.II for adjudication and for passing necessary necessary orders. The concerned Industrial Tribunal / Labour Court shall take a decision in the matter, as expeditiously as possible, preferably within eight months from the date of transfer. The concerned Industrial Tribunal shall transfer the proceeding of reference No.1/58 of 2004 to the Central Government Industrial Tribunal / Labour Court No.II within a period of three weeks from today. It is clarified that the order passed in the instant petition is restricted to the reference concerning the petitioner only. It is further directed

to the respondent-Union of India to take steps for filling the vacancy of Presiding Officer, Central Government Industrial Tribunal-I, as expeditiously as possible, preferably within a period of eight months from today.

4. The order passed by this Court shall be communicated to the appropriate authority by the Union of India, forthwith.

5. With the directions as aforesaid, the writ petition stands disposed of.

(R.G. KETKAR)
JUDGE

(R.M. BORDE)
JUDGE