

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 15586 of 2003

ORDER:

This writ petition is filed seeking to issue a writ of mandamus declaring the proceedings dated 23.01.2003 issued by the 1st respondent, wherein the 1st respondent has declined to refer the dispute to the Labour Court on the ground of inordinate delay, as illegal and arbitrary. A consequential direction is also sought to the 1st respondent to refer the matter to the Industrial Tribunal-cum-Labour Court for adjudication.

Learned counsel for the petitioner has contended that it is not for the 1st respondent to come to a conclusion that reference for adjudication after four years from the date of cause of action is not reasonable, but it is for the Labour Court to adjudicate the matter and that whenever the Conciliation Officer submits a failure report, it is for the appropriate Government to refer the dispute to the Labour Court under Section 10(1)(c) of the Industrial Disputes Act, but the 1st respondent cannot reject the case of the petitioner for reference to the Labour Court. Therefore, appropriate orders may be passed directing the 1st respondent to refer the dispute to the Labour Court.

This Court having considered the said submissions is of the considered view that the writ petition can be disposed of directing the 1st respondent to refer the dispute to the Labour Court under Section 10(1)(c) of the Industrial Disputed Act, within four weeks from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of. Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed. No order as to costs.

ABHINAND KUMAR SHAVILI, J

15th December, 2018
cbs



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Writ Petition No.15586 of 2003
(disposed of)

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