

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-24038-2016 (O&M)

Date of Decision:03.05.2018

Desu Singh and others

... Petitioners

Vs.

Food Corporation of India and others

... Respondents

CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present : Mr. V.K. Jindal, Sr. Advocate with
Ms. Tarunveer Vasisth, Advocate and
Ms. Charu Sharma, Advocate for the petitioners.

Mr. J.S. Puri, Advocate for the respondents.

P.B. BAJANTHRI J. (Oral)

In the instant petition, petitioners have challenged tender notice dated 4.11.2016 (Annexure P-6).

2. Learned counsel for the petitioners have contended that it is in violation of Bipartite settlement under Section 18 (1) of Industrial Disputes Act, 1947 read with Rule 58 of Industrial Disputes (Central Rules) 1957 between FCI Management and FCI Workers Union which is stated to have been entered into between the parties on 05.04.1995.

3. Learned counsel for the respondents has pointed out that even before the Central Government Industrial Tribunal there is a reference relating to extent that whether is it in violation of Bipartite settlement or not. Extract of references required answer in orders dated 5.1.2018 and 28.2.2018 is as under:

“Dated:05.01.2018:1. “Whether the Action of Management of Food Corporation of India,Punjab region of deploying contract Labour in place of direct payment system (DPS) workers at 51 railheads is just,fair and legal.? If not, what relief the union and workmen are entitled to an from which date?”

2. “Whether the action of Management of Food Corporation of India, Punjab region of deploying contract labour in place of

direct payment system (DPS) workers at 51 railheads amounts to change in section 9 A read with schedule IV of the industrial disputes Act, 1947? if what relief the union and workmen are entitled to and from which date?”

3. *“Whether the Action of Management of Food Corporation of India, Punjab region of deploying contract Labour in place of direct payment system (DPS) workers at 51 railheads amounts to breach of management of understanding dated 12.07.1993 arrived at between the management of FCI and FCI workers union? If yes, what relief the union and workmen are entitled to and from which date?”*

Dated:28/02/2018: “Whether the Action of Management of Food Corporation of India, Punjab region of Deploying contract Labour in Place of Direct payment system (DPS) Workers at 51 Railheads is just, fair and legal,? If not, what relief the union and workmen are entitled to and from which date?”

4. In view of the above factual position, present petition do not survive for consideration.

5. Accordingly, present petition stands dismissed.

03.05.2018
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**