

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

1. CWP-4644-2017 (O&M)

Suraj and others		... Petitioners
Vs.		
Food Corporation of India and others		... Respondents

2. CWP-8513-2017 (O&M)

Sucha Singh		... Petitioner
Vs.		
Food Corporation of India and others		... Respondents

3. CWP-8051-2017 (O&M)

Parmeshwar Rai (Mandal) and another		... Petitioners
Vs.		
Food Corporation of India and others		... Respondents

4. CWP-8033-2017 (O&M)

George Chand (Sardar) and others		... Petitioners
Vs.		
Food Corporation of India and others		... Respondents

5. CWP-4122-2017 (O&M)

Ram Parkash and others		... Petitioners
Vs.		
Food Corporation of India and others		... Respondents

6. CWP-25442-2016 (O&M)

Ramnaresh Yadav and others		... Petitioners
Vs.		
Food Corporation of India and others		... Respondents

7. CWP-1868-2017 (O&M)

Mewa Singh and others		... Petitioners
Vs.		
Food Corporation of India and others		... Respondents

8. CWP-24306-2016 (O&M)

Gurcharan Singh and others		... Petitioners
Vs.		
Food Corporation of India and others		... Respondents

9. CWP-4130-2017 (O&M)

Food Corporation of India (Handling) Workers Union ... Petitioner

Vs.

Assistant Labour Commissioner (C), Jalandhar and others

... Respondents

10. CWP-24040-2016 (O&M)

Food Corporation of India Shramik Union ... Petitioner

Vs.

Food Corporation of India and another

... Respondents

Date of Decision:03.05.2018

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

Present : Mr. Akshay Bhan, Sr. Advocate with
Mr. R.R. Kumar, Advocate and
Mr. Arjun Sheroran, Advocate for the petitioner (s).

Mr. Aakash Singla, Advocate,
Mr. Prateek Gupta, Advocate
Mr. Puneet Gupta, Advocate and
Mr. M.S. Saini, Advocate for the petitioner (s).

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

Mr. Arun Gossain, Advocate Central Government Counsel.

P.B. BAJANTHRI J. (Oral)

C.M. No.6351 of 2018 in CWP No.4644 of 2017

The application is allowed as prayed for. Annexures R-2/14 (dated 05.01.2018) and R-2/15 (dated 28.02.2018) are taken on record subject to all just exceptions. With the consent of the counsel for the parties, main matter is taken up.

Main cases

By this common judgment, all the aforementioned writ petitions shall be decided together being identical. Facts are being taken from CWP No.4644 of 2017. In the instant petition, petitioners have challenged order dated 24.10.2016 (Annexure P-1) by which respondents-

Food Corporation of India have accorded approval to engage contract labour system in the following 51 Rail Heads and its FCI District-wise and its tender dated 24.11.2016 (Annexure P-2).

2. Petitioners have not assailed the order with reference to any statutory provision to the extent that Annexure P-1 is in violation of statutory provision. That apart during pendency of this petition, dispute has been considered by the competent authority and on 05.01.2018 and 28.02.2018 references have been made to Central Government Industrial Tribunal-cum-Labour Court. 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 51railheads 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?”

3. In view of the above later developments, petitioners have not made out a case.
4. Accordingly, petition stands dismissed.

03.05.2018
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**