

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15283 of 2016

1. The General Manager, East Central Railway, Hajipur.
2. The Divisional Railway Manager, East Central Railway, Mughalsarai, U.P.
3. The Senior Divisional Personnel Officer, East Central Railway, Mughalsarai, U.P.

... .. Petitioner/s

Versus

1. The Union Of India through the Assistant Director, IR (Imp.-1), Ministry of Labour, Government of Indian, New Delhi.
2. The Assistant Director, IR(Imp-1, Ministry of Labour Government of India, New Delhi.
3. The Chief Labour Commissioer (Central), New Delhi.
4. The Regional Labour Commissionar (Central), Patna, Bihar.
5. The Assistant Regional Labour Commissionar (Central), Patna, Bihar.
6. The General Secretary, Gaya Railway Poldar Workers Union, Purani Jailkhana, Gaya - 823001, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Anil Kumar Sinha, Advocate
		Mr. Nikhil Kumar Agrawal, Advocate
For the Respondent/s	:	Mr.S.D Sanjay Addl. Soc. Gen.
For the Respondent No.6 :		Mr. Sanjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 11-03-2019

Heard parties.

In the present case, the petitioners are challenging the Award dated 22.04.2014, which has been passed in pursuance of the Reference made by the Central Government vide Order No. L-41011/30/2002-IR (B-1) dated 18.12.2002 wherein the terms of reference has been made as follows :

“Whether the claim of Gaya

Railway Station Poldar Workers Union for



issuing identity cards and treating them at par with the licensed porters by the railway administration is legal and justified? If so, what relief the Union is entitled for?”.

Both the sides have filed their respective written statement and rejoinder. The Railway has specifically taken a stand that dispute, which has been referred, is not an industrial dispute in the sense that there was no relationship of master and servant and they used to make a charge for loading and unloading of the goods from the trucks and the Tribunal without examining the issue and deciding the issue of jurisdiction has passed the Award merely on the production of the identity card giving and showing the licence number.

This Court has perused the order passed by the Tribunal, which does not reflect any point, which has been raised by the Railway, has been considered in any manner by the Tribunal. It does not satisfy the manner the Tribunal was to decide the issue while exercising the power of quasi judicial function. The order itself is very cryptic order does not dealt with the issue.

Accordingly, the Award dated 22.04.2014 passed in Reference Case No.09 of 2003 is quashed and the matter is



remanded back to the Central Government Industrial Tribunal for fresh adjudication.

Both the parties are directed to appear before the Tribunal along with the copy of the order on 8.04.2019 and the Tribunal will be obliged to dispose of the matter within a period of six months from the date of their first appearance.

With the aforesaid observations and directions, this writ application is allowed.

(Shivaji Pandey, J)

V.K.Pandey/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	12.03.2019
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