

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPL No. 139 of 2019**

I. B. Tiwari S/o Late Hari Prasad Tiwari Aged About 56 Years R/o L I G 209,
Shivaji Nagar, Niharika, Korba, District Korba Chhattisgarh., District :
Korba, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Labour,
Mahanadi Bhawan, Atal Nagar, Raipur, District Raipur Chhattisgarh.,
District : Raipur, Chhattisgarh
2. The Registrar General High Court Of Chhattisgarh, Bilaspur, District
Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
3. The Presiding Officer Labour Court Korba, District Korba Chhattisgarh.,
District : Korba, Chhattisgarh
4. Bharat Aluminium Company Ltd. Through The Chief Executive Officer, B A
L C O Nagar, Korba, District Korba Chhattisgarh., District : Korba,
Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Vikas Dubey, Advocate
For State	:	Mr. Ishan Verma, PL
For Respondent No. 2	:	Mr. Amrito Das, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****21/06/2019**

1. The limited grievance which the petitioner in the instant writ petition
has sought for is for an appropriate direction to respondent No. 3 to
proceed and decide the reference case which has been pending
before Labour Court, Korba for quite some time. The matter pertains
to the reference case registered before the labour Court, Korba as
case No. 04/I.D. A/2018/Ref.

2. The issue involved in the case is in respect of the workers forcefully being granted VRS. The respondent No. 4 seems to have raised an objection so far as the authority/competency of the Presiding Officer hearing the matter in the light of the provisions of the Industrial Disputes Act.
3. The Presiding Officer in turn appears to have sought for certain clarifications in this regard from the respondent No.2 and awaiting clarifications, the matter has been continuously adjourned on repeated occasions.
4. Given the limited relief that the petitioner has sought for, this Court is of the opinion that once when the matter is referred to Labour Court, the Presiding Officer, in-charge of the Court is incumbent to proceed further in accordance with the law. The disputing parties, if they have raised an objection so far as the competency and authority of the Presiding Officer is concerned. It is expected that Presiding Officer would take an appropriate decision keeping in view the provisions of law and for that he need not wait for guidelines and clarifications to be issued by respondent No. 2 in this regard.
5. For the aforesaid reasons, the present writ petition stands disposed off directing respondent No. 3 to proceed further and decide the matter in accordance with law including the objection if any raised by any of the disputing parties so far as his competency is concerned.
6. With the aforesaid observation, the present writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge