

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**WPL No. 150 of 2019**

Chandrakesh Hathathel S/o Phoolchand Haththel Aged About 32 Years  
R/o Budhwari Bazaar, Chowki - CSEB, Korba, District Korba  
Chhattisgarh.

**---- Petitioner**

**Versus**

1. M/s Vijay Sharma Construction Through Proprietor, Vijay Sharma, Aged About 54 Years, R/o Amaraiyapara, Mudapar, Korba, Tehsil And District Korba Chhattisgarh.
2. Executive Engineer Dr. Shyama Prasad Mukharjee Taap Vidyut Sanyantra, Chhattisgarh State Electricity Production Company Limited, KTPS Korba (East), Tehsil And District Korba Chhattisgarh
3. High Court Of Chhattisgarh Through Registrar General, Raipur Road, Bodri, Bilaspur, District Bilaspur Chhattisgarh.
4. Labour Court (Under Industrial Disputes Act, 1947) Through - Presiding Officer, Korba, District Korba Chhattisgarh.
5. State Of Chhattisgarh Through Secretary, Labour Department, Mantralaya, Atal Nagar Naya Raipur, District Raipur Chhattisgarh

**---Respondents**

|                     |   |                                  |
|---------------------|---|----------------------------------|
| For Petitioner      | : | Mr. Sanjay Patel, Advocate       |
| For Respondent No.2 | : | Mr. Rajeev Shrivastava, Advocate |
| For State           | : | Mr. Sameer Behar, Panel Lawyer   |

**Hon'ble Shri Justice P. Sam Koshy**

**Order on Board**

**04/07/2019**

1. The limited grievance which the petitioner in the instant writ petition has sought for is for an appropriate direction to respondent No. 4 to proceed and decide the reference case which has been pending before Labour Court, Korba for quite some time **expeditiously**. The matter pertains to the reference case registered before the labour Court, Korba as case No. 21/I.D. Act/2017.
2. The respondent No.4 seems to have some doubt 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.3 and awaiting clarifications, the matter is getting 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 a dispute 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 the Presiding Officer would take an appropriate decision keeping in view the provisions of law and for that he/she need not wait for guidelines and clarifications to be issued by respondent No.3 in this regard.
5. For the aforesaid reasons, the present writ petition stands disposed off directing respondent No.4 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**

Ved