

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.48116 of 2018

ORDER:

In this writ petition, the petitioners are challenging the action of the 1st respondent in not referring the dispute to the Industrial Tribunal or the Labour Court under Section 10 of the Industrial Disputes Act, 1947 (for short 'the Act').

2. Counsel for the petitioners contends that the petitioners have raised an Industrial Dispute before the Conciliation Officer and the Conciliation Officer had conducted conciliation proceedings and since there was no settlement arrived at in the conciliation proceedings, the Conciliation Officer has submitted a failure report to the appropriate Government, but the appropriate Government is not referring the dispute to the Industrial Tribunal or Labour Court under Section 10 of the Act. Learned counsel further contends that the 1st respondent is bound to refer the dispute to the Labour Court under Section 10 of the Act and contends that appropriate orders be passed directing the 1st respondent to refer the dispute to the Industrial Tribunal or Labour Court under Section 10 of the Act.

3. Sri R. Mangulal, Standing Counsel for the respondents, contends that the case of the petitioners would be examined by the Government and appropriate decision will be taken in respect of referring the dispute to the Industrial Tribunal or Labour Court under Section 10 of the Act.

4. This Court, having considered the rival submissions made by the parties, is of the considered view that this writ petition can be disposed of directing the 1st respondent to refer the dispute to the Industrial Tribunal or Labour Court under Section 10 of the Act, after examining the case of the petitioners and the failure report of the Conciliation Officer, within a period of eight weeks from the date of receipt of a copy of this order.

5. With these observations, the Writ Petition is disposed of. No costs.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

04.01.2019
v v



ABHINAND KUMAR SHAVILI,J