

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.7590 of 2019

Date of Decision: 19.03.2019

The Indian Express (P) Ltd.

... Petitioner

Versus

The State of Haryana and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. N.B. Joshi, Advocate and
Mr. Manu K.Bhandari, Advocate,
for the petitioner.

RAJIV NARAIN RAINA, J.(Oral)

The appropriate Government has made a reference under Section 17 (2) of the Working Journalists and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 (“1955 Act”) to the Industrial Tribunal-cum-Labour Court, Ambala in a dispute regarding entitlement to wages by non-journalists newspaper employees numbering 43 vide order dated October 22, 2018 endorsed-issued on December 31, 2018.

The petitioner-Management has appeared before the Labour Court and presented an application dated February 22, 2019 making three-fold prayers. One it is pointed out that the records be corrected which prayer has been granted by the Labour Court vide its order dated February 26, 2019. The second prayer for registration of the reference under Section 17

(2) of the 1955 Act has been allowed by the same order. What remains is the third prayer that each case be registered and numbered separately and accordingly proceeded with independently to determine whether wages as claimed are due. It may be noticed that in the reference order under Section 17 (2) there is appended a list of 43 workers involved in these bunch of cases. There are, therefore, 43 claim applications referred for determination. The third prayer appears to be fair and reasonable that each case should be registered separately such as IDR 1/1, IDR 1/2 and so on and so forth and the cases should not be clubbed together to read "ITR-1/2019" unless the short form "ITR" has any significance to the Labour Court it should be converted to read Industrial Dispute Reference (IDR). Once the cases have been separated they may be listed together or spaced out as per the discretion of the Labour Court. The Labour Court would be free to first settle the legal issues involved between the parties and to decide them in accordance with law and then consider each individual claim for money due. If this method is not followed it may result in chaos ultimately making it difficult for both the Labour Court and this Court if called upon to exercise judicial review at the appropriate stage. To make these changes in the format of determination I should not think notice to the workers is necessary as none of their rights will be prejudiced and time and money would be saved. The cases are at the initial stage and, therefore, corrective steps, if taken, immediately would be a stitch in time.

As a result, this petition is disposed of in the above terms and the cases are ordered to be numbered separately in the manner indicated above and then taken up for recording of evidence.

In case the respondents are aggrieved by this order, they are free to approach the Court by way of an application.

A copy of this order be given to learned counsel for the petitioner attested by the Bench Secretary.

(RAJIV NARAIN RAINA)
JUDGE

19.03.2019
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No