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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 1112/2014**

STATESMAN MAZDOOR UNION

..... Petitioner

Through: None.

versus

THE MANAGEMENT OF M/S STATESMAN LTD..... Respondent

Through: Mr.Samar Bansal, Ms.Devahuti
Pathak & Mr.Manan Shishodia, Advs.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **29.01.2019**

1. The present writ petition under Articles 226 and 227 of the Constitution of India impugns the order dated 06.04.2013 passed by the learned Labour Court in LCA No.78/06 rejecting the petitioner's claim for enforcing the recommendations of the Manisana Wage Board. The petitioner also seeks quashing of order dated 12.12.2012 vide which its application seeking bifurcation of the petitioner/Union's claim in the name of individual workmen was rejected.

2. On the first call, learned counsel for the petitioner had appeared and had sought a passover to seek instructions as to whether the writ petition is still maintainable in view of the dismissal of the subsequent writ petition being *W.P.(C) No.6319/2014* filed by the present petitioner itself vide order dated 06.07.2018 and the order passed on 05.12.2018 in LPA No.549/2018 filed by the Management. After a passover, none appears for the petitioner. In these circumstances, the petition has been taken up for disposal.

3. Learned counsel for the respondent reiterates that, in view of the aforesaid orders, the present petition is no longer maintainable. He draws my attention to the impugned award, from which it transpires that the learned Labour Court had rejected the petitioner's claim after holding that the claim seeking enforcement of the recommendations of the Manisana Wage Board was not maintainable, because the notifications passed by the Central Government consequential to those recommendations had already been quashed by the High Court of Karnataka on 01.02.2006.

4. Learned counsel for the respondent, therefore, states that once the notifications issued by the Central Government accepting the recommendations of the Manisana Wage Board stand quashed, the claim of the petitioner was rightly rejected by the Labour Court. In support of his aforesaid contention, learned counsel for the respondent draws my attention to the order passed by this Court on 06.07.2018 dismissing W.P.(C) No.6319/2014, wherein the petitioner had sought a direction to the Union of India to renotify the notifications dated 05.12.2000 and 15.12.2000 accepting the recommendations of the Manisana Wage Board, which had been quashed by the Karnataka High Court vide its order dated 01.02.2006. He also places reliance on paras 28 to 33 of the order dated 05.12.2018 in LPA No.549/2018, to contend that even as on date, the position continues to be the same and both the notifications dated 05.12.2000 and 15.12.2000 stand quashed. He, therefore, submits that in these circumstances, the challenge to the impugned award cannot survive.

5. I have considered the submissions of learned counsel for the

respondent and with his assistance perused the record. A perusal of the impugned award as also the order passed by the Division Bench of this Court in LPA No.549/2018, leave no manner of doubt that both the notifications which were the very basis of the petitioner's claim stand quashed. While the Division Bench had granted liberty to the petitioner/Union to make a representation to the Central Government within four weeks with a request to exercise the powers under Section 12(1) of the Working Journalists & Other Newspaper Employees (Conditions of Service) & Miscellaneous Provisions Act and had directed the Central Government to decide the same within twelve weeks thereafter, the position as on date remains that the petitioner is not entitled to any relief on basis of the aforesaid notifications. In these circumstances, I find merit in the contentions of the learned counsel for the petitioner that the learned Labour Court rightly rejected the petitioner's claim for enforcing the recommendations of the Manisana Wage Board and that present petition is no longer maintainable.

6. For the aforesaid reasons, the writ petition is dismissed with no order as to costs. It is, however, made clear that the petitioner would be at liberty to submit a representation in accordance with the directions in the decision of this Court in LPA No.549/2018, which will be considered by the Central Government as per the directions passed by the Division Bench in the said appeal.

REKHA PALLI, J

JANUARY 29, 2019

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