

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No. 14964 of 2000
Date of decision: 10.02.2020

Kartar Singh and others

.....Petitioners

V/s.

Union of India and others

.....Respondents

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. Arjun Pratap Atma Ram, Advocate,
for the petitioners.

Sanjay Kumar, J. (Oral)

This writ petition was filed by persons who were working under Handling/Transport Contractors in the Food Supply Depot of the Food Corporation of India at Fatehabad. By way of this writ petition, they sought a direction to the Corporation to abolish contract labour system at its Fatehabad Depot and to introduce direct payment system or departmentalization or any other method envisaged by it, taking into consideration the claims of the petitioners and other labourers working there.

A similar issue was considered by this Court in '**Jagroop Beniwal and others V/s. Food Corporation of India**' [1995(6) SLR 795].

By the order passed therein, this Court relegated the petitioners in that case to their statutory remedy before the Industrial Tribunal and they were directed to approach the Government for seeking a reference under

Section 10 of the Industrial Disputes Act, 1947 (hereinafter, 'the Act of 1947'). This Court further directed that in the event such an application was made, the appropriate Government and the Labour Court should decide the matter expeditiously.

It is not clear as to whether any action was undertaken and whether there was any adjudication upon a reference made under Section 10 of the Act of 1947. In any event, as the petitioners seek abolition of contract labour system, if it is still continuing at the Fatehabad Depot of the Food Corporation of India, it is for them to take appropriate measures to get the issue referred to the jurisdictional Industrial Tribunal under the provision of the Act of 1947. This Court cannot adjudicate such an issue in the first instance in exercise of its extra-ordinary jurisdiction under Article 226 of the Constitution of India.

The writ petition is accordingly disposed of leaving it open to the petitioners to take necessary steps, if still warranted, in accordance with law.

No order as to costs.

(SANJAY KUMAR)
JUDGE

10.02.2020

rakesh

whether speaking/non speaking

:

Yes/no

whether reportable/non reportable

:

Yes/no