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

+ W.P.(C) 2217/2020

VINOD PUNDIR AND ORS.

..... Petitioners

Through: Mr. C.M. Grover, Adv.

versus

DEPUTY LABOUR COMMISSIONER AND ANR..... Respondents

Through: Mr. Rajneesh Bhaskar, Adv. along with
Mr. D. Mohan, Adv. for R-1.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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26.02.2020

Issue notice.

The learned counsel named above accepts notice on behalf of the respondent no.1.

At joint request the petition is taken up for disposal.

The petitioner contends that claim was raised by the workman seeking dues similar to two other similarly placed persons. The demands were general in nature. Therefore, in the absence of conciliation, the industrial *lis* would have arisen which ought to have been referred under section 10(2) of the Industrial Disputes Act, 1947 to the appropriate Industrial Tribunal. Instead the reference was made to the learned Labour Court.

According to the learned counsel for the petitioner, the learned Labour Court in its order dated 28.01.2020 in LIR No. 2370/2019 has held

as under:-

“28.01.2020

Present: All workmen in person along with AR Sh Prakhyat Sharma.

Sh. Anil Agarwal, AR for management has appeared and has appeared and has filed his authorization along with WS on record.

Upon pointing out by ld. AR for the management, it has been revealed that this case pertains to the general demands raised by the workman and hence, it appears to have been wrongly assigned to this Court as the jurisdiction to deal with general demand cases vest purely with the industrial Tribunal.

Ld. AR for workman seeks time to take appropriate steps. Put up for further proceedings on 24.04.2020”

The Court would note that, learned Labour Court does not have jurisdiction to adjudicate the *lis*.

In view of the above, the respondent shall reconsider the reference within a period of four week from today by treating the present petition as petitioner’s representation. The order shall be communicated to the petitioner on or before 31.03.2020.

The petition is disposed off in the above terms.

A copy of this order be given *dasti* under the signature of the Court Master to the learned counsel for the parties.

NAJMI WAZIRI, J

FEBRUARY 26, 2020

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