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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **W.P.(C) 5661/2022 & CM APPL.16849/2022 (stay)****MAYUR BANDHEKAR**

..... Petitioner

Through: Mr. Kamlesh Kumar Mishra with
Mr. Satyarth Sinha, Ms. Prgya Dubey,
Ms. Bibhuti Bhushan and
Ms. Shivalika Mishra, Advocates.

versus

MINISTRY OF LABOUR AND EMPLOYMENT & ORS.

..... Respondents

Through: Ms. Manisha Agrawal with
Mr. Aditya Deshwal, Ms. Rakshita
Goyal and Ms. Mona Dureja,
Advocates.

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*Date of Decision: 01st June, 2022.***CORAM:****HON'BLE MR. JUSTICE DINESH KUMAR SHARMA****J U D G M E N T****DINESH KUMAR SHARMA, J. (Oral)**

1. Present petition has been filed under Article 226 of the Constitution of India for issuance of writ or any other appropriate directions. By way of the present writ petition, order dated 25.01.2022, passed by the Govt. of India, Ministry of Labour & Employment, Office of Chief Labour Commissioner (C), New Delhi CE bearing reference F.No.24(2)/2022-IR whereby the case of the petitioner has been referred to Central Government Industrial Tribunal-cum-Labour Court, Jabalpur. Petitioner seeks adjudication of the same before the Labour Court at New Delhi.

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2. Plea of the petitioner is that the industrial dispute raised by the petitioner exists between him and the Management, i.e., the Additional Director, Central Government Health Scheme (CGHS), Nagpur and its contractor in respect of the matter specified in the Schedule annexed to the petition.

3. Plea raised by the petitioner is that the petitioner allegedly joined the services with CGHS, Raipur, Chhattisgarh on 02.12.2017 and since then allegedly has continuously been working with the said organization till date.

The prayer made by the petitioner in the writ petition is as follows:-

“I. Pass an order of quashing the order dated 25.01.2022 passed by Government of India, Ministry of Labour & Employment Office of Chief Labour Commissioner (C) New Delhi with reference no.F.No. 24(2)/2022-IR to the extent whereby it refers the case of the Petitioner to CGIT Jabalpur and further to modify it to the extent that the Industrial dispute of the petitioner be referred to CGIT New Delhi.

II. Pass an order directing the respondent No. 1 to place on record the availability of the CGIT's in the State of Chhattisgarh and if none existent appropriate orders for the creation of the same may be passed.”

4. Respondent has filed the written submissions wherein it has been stated that as per the mandate of Industrial Disputes Act, 1947, the Central Government by Notification dated 14.01.2000 has crafted the jurisdiction of CGIT-cum-Labour Court, Jabalpur over the State of Madhya Pradesh.

5. It has been stated that after the enactment of the Madhya Pradesh Reorganisation Act, 2000 a new State of Chhattisgarh has been carved out of the State of Madhya Pradesh on 25.08.2000 vide the Notification dated



14.01.2000, and presently CGIT-cum-Labour Court, Jabalpur is continuing to have jurisdiction over Raipur (Chhattisgarh) also.

6. Plea taken by the respondent is that there is no ground for transfer of the case of the petitioner from CGIT Jabalpur to CGIT Delhi. It has been stated that the other cases cited by the petitioner are on different facts and circumstances.

7. Learned counsel for the respondent has stated that admittedly CGIT, Raipur is not in place till present and in view of the Notification dated 14.01.2000, CGIT Jabalpur will have jurisdiction over industrial disputes arising in Raipur and other places, as mentioned in Notification dated 14.01.2000.

8. Per contra, Mr. Kamlesh Kumar Mishra, learned counsel for the petitioner has relied upon Section 74 of the Madhya Pradesh Reorganization Act, 2000 which is as under:-

“74. Jurisdiction of the Commissions, Authorities and Tribunals.-

(1) Notwithstanding anything contained in any law for the time being in force, every Commission, Authority, Tribunal, University, Board or any other body constituted under a Central Act, State Act or Provincial Act and having jurisdiction over the existing State of Madhya Pradesh shall on and from the appointed day continue to function in the successor State of Madhya Pradesh and also exercise jurisdiction as existed before the appointed day over the State of Chhattisgarh for a maximum period of two years from the appointed day or till such period as is decided by mutual agreement between the successor States-

(i) to continue such body as a joint body for the successor States; or



(ii) to abolish it, on the expiry of that period, for either of the successor States; or

(iii) to constitute a separate commission, Authority, Tribunal, University, Board or any other body, as the case may be, for the State of Chhattisgarh, whichever is earlier.

(2) No suit or other legal proceeding shall be instituted, in case such body is abolished under clause (ii) of sub- section (1), by any employee of such body against the termination of his appointment or for the enforcement of any service conditions or for securing absorption in alternative public employment against the Central Government or any of the successor States.

(3) Notwithstanding anything contained in any law for the time being in force or in any judgment, decree or order of any court or Tribunal or contract or agreement, any Chairman or member of any body abolished under clause (ii) of sub- section (1) shall not be entitled to any compensation for the unexpired period of his tenure.

(4) Notwithstanding anything contained in this section or any law for the time being in force, the Central Government shall, in accordance with any mutual agreement between the successor States or if there is no such agreement, after consultation with the Governments of the successor States, issue directions for the resolution of any matter relating to any body referred to in sub- section (1) and falling within the jurisdiction of any of the successor States within any period referred to in sub- section (1)."

9. Learned counsel for the petitioner submits that in view of Section 74 of the Madhya Pradesh Reorganization Act, 2000 even Notification dated 14.01.2000 will cease to exist and CGIT Jabalpur will have no jurisdiction over Raipur.

10. Learned counsel for the petitioner further submits that in similarly placed cases, matters have been referred to CGIT Delhi. A reference has



been made to the order of CGIT-cum-Labour Court-I in ID No.66/2014, whereby, a similar matter was referred to CGIT, Delhi. In the said case one of the petitioners was from UP and the matter was referred to CGIT Delhi.

11. Learned counsel for the respondent submits that the facts in ID No.66/2014 are distinguishable and this case cannot be taken as a precedent.

12. I have heard the submissions of learned counsel for the parties and perused the record. It is an admitted case that in IP No.66/2014, Industrial Disputes were raised in Delhi, whereas in the present case, admittedly the industrial disputes were raised in Raipur. It is also an admitted case that at present there is no CGIT in Raipur.

13. Plea of the petitioner is that either his case may be transferred to Delhi or CGIT may be created in Raipur. Objections of the respondents are that if such an order is passed by this Court for transfer of a case from CGIT Jabalpur to CGIT Delhi, it will be taken as a precedent and may open a floodgate of such kind of litigation before the Courts.

14. In the present case, no peculiar circumstances have been shown to the Court for transfer of the petitioner's case from CGIT Raipur to Delhi. However, this Court is inclined to agree with the submission of the petitioner that the Government should have created CGIT at Raipur for the purpose of convenience of labour. This Court also agrees with the submission of the petitioner that workmen are poor persons and it is very difficult for them to go from Raipur to Jabalpur to contest their cases. Industrial Dispute Act is a welfare legislation and the purpose of the enactment is to provide speedy and cost saving mechanism to the workmen



for redressal of their grievances.

15. This Court however considers that it is a policy matter and it is for the Central Government to decide about the creation of the CGIT. This Court is restraining itself to pass any order in this regard but considers it appropriate to send this writ petition to Secretary, Ministry of Labour and Employment with a request to consider this case and take an appropriate decision expeditiously regarding creation of CGIT at Raipur. However, in the absence of any peculiar circumstances, this Court does not find any ground for transfer of the case of the petitioner from Raipur to Delhi.

16. Learned counsel for the petitioner submits that the petitioner may face the limitation bar in filing the statement of claim before CGIT – Jabalpur. Let the statement of claim be filed within four weeks.

17. With these observations, the petition along with pending application stands dismissed.

DINESH KUMAR SHARMA, J

JUNE 1, 2022/st