



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.828 OF 2011

1. General Manager
S.E.C. Railway, Bilaspur.
 2. Sr. Divisional Commercial
Manager, S.E.C. Railway,
Nagpur.
- **PETITIONERS**

...VERSUS...

1. Ravichandra Shripat Shende
Through Secretary,
Parcel Porter Sangathana
South East Central Railway,
C/o. Rajesh Supatkar,
New Mankapur, Plot No. 37,
Near MHADA Colony, Nagpur.
 2. Astd. Labour Commissioner
Ministry of Labour & Employment,
Office of the Regional Labour
Commissioner (Central),
1st Floor CGO Complex,
Block 'C' Seminary Hills,
Nagpur.
- **RESPONDENTS**

Ms. Neerja G. Chaubey, Advocate for Petitioners.
None for Respondent No.1.
Mr. S. A. Chaudhari, Advocate for Respondent No.2.

WRIT PETITION NO.871 OF 2011

1. General Manager
S.E.C. Railway, Bilaspur.

2. Sr. Divisional Commercial
Manager, S.E.C. Railway,
Nagpur. **PETITIONERS**

...VERSUS...

1. Dilip Baliram Meshram
Through Secretary,
Parcel Porter Sangathana
South East Central Railway,
C/o. Rajesh Supatkar,
New Mankapur, Plot No. 37,
Near MHADA Colony, Nagpur.
2. Astt. Labour Commissioner
Ministry of Labour & Employment,
Office of the Regional Labour
Commissioner (Central),
1st Floor CGO Complex,
Block 'C' Seminary Hills,
Nagpur. **RESPONDENTS**

Ms. Neerja G. Chaubey, Advocate for Petitioners.
None for Respondents.

CORAM: **ANIL L. PANSARE, J.**
DATE: **16th JULY, 2024.**

COMMON JUDGMENT:

Rule. Rule made returnable forth. Heard finally with
consent of learned counsel appearing for the parties.

2. The memorandum of settlement has been signed by
the Law Assistant of the petitioner and the General Secretary of
Parcel Porter Sanghatana, South East Central Railway in the

presence of Assistant Labour Commissioner (C), Nagpur and Conciliation Officer under the Industrial Disputes Act, 1947. This memorandum of settlement has been arrived under Section 12(3) of the Industrial Disputes Act, 1947 (for short 'Act of 1947') on 06.04.2010. The petitioner approached the Assistant Labour Commissioner (C), Nagpur under Section 58 of the Act of 1947 seeking to cancel the settlement on the ground that Mr. Jagram Meena, Law Assistant was not authorized by the petitioner to sign the terms of the settlement.

3. The Assistant Labour Commissioner has noted in its communication dated 26.11.2010 that upon his request the representative of the petitioner management in front of the Assistant Labour Commissioner over phone informed the terms and conditions of the settlement to Assistant Commercial Manager, Railway and after obtaining his consent the Law Assistant has signed on settlement arrived at between the parties. The Assistant Labour Commissioner expressed his anguish on the stand taken by the petitioner management that Mr. Jagram Meena, Law Assistant was not delegated with the power to sign the settlement.

4. The Assistant Labour Commissioner then referred to the judgment passed by the Madras High Court in the case of

Valliammal v. Block Development Officer, wherein the Madras High Court held that the settlement arrived under Section 12(3) of the Act of 1947 is sacrosanct and cannot be nullified by any party in a self serving manner or unilateral fashion.

5. The petitioners herein are before the Court to challenge the memorandum of settlement dated 06.10.2023 on the same ground viz. the Law Assistant was not authorized to sign the settlement.

6. When enquired as to what action has been taken against the Law Officer, counsel for petitioner submits that he was removed from the services but later on was reinstated. On further inquiry as to whether there is any cogent evidence to even suggest that the Law Assistant has acted without authority, the counsel for petitioner could not show a single document in support.

7. In view thereof, I do not find any reason to interfere with the memorandum of settlement arrived at between the parties. There is no merit in these petitions. The petitions are liable to be dismissed.

8. Rule discharged.

(ANIL L. PANSARE, J.)