



2025:DHC:7538



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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 05.08.2025

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W.P.(C) 12439/2022 & 37388/2022

INDO GLOBAL SOCIAL SERVICE SOCIETYPetitioner

Through: Mr. Siddharth Dias, Ms. Kefira
Nongpluh & Mr. Mayank Francis,
Advocates.

versus

UNION OF INDIA & ANR.

.....Respondents

Through: Mr. Sushil Raaja, SPC.

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

TARA VITASTA GANJU, J.: (Oral)

1. This matter is listed specifically in the category of “Old/Targeted cases”.
2. The present Petition has been filed by the Petitioner seeking to challenge a Reference order dated 07.07.2022 passed by learned Regional labour Commissioner (Central) [hereinafter referred to as the “Impugned Reference Order”].
3. Learned Counsel for the Petitioner submits that the issue in the present Petition is limited to whether the appropriate Government in the present case is the State Government or the Central Government Industrial Tribunal and the reference to the dispute should be made accordingly.
4. Learned Counsel submits that the Petitioner is a society registered under the Societies Registration Act, 1860 called Indo Global Social Service



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Society and is also a registered NGO established in 1960. The Petitioner has been working for the development, capacity building and enlightenment of vulnerable communities across the country. Learned Counsel seeks to rely upon the Rules and Regulations of the Petitioner-Society, which have been filed along with the Petition, in this behalf, which set out the objectives of the Petitioner Society.

5. Learned Counsel for the Petitioner submits that the Impugned Reference Order directed that the adjudication of a dispute raised by the Respondent No.2/Workman be undertaken by the Central Government Industrial Tribunal cum Labour Court at Jabalpur. Learned Counsel further submits that the dispute emanates from the employment of the Respondent who was appointed as a “Community Mobiliser” at Chhattisgarh by an appointment letter dated 01.07.2020 for a period up to 30.06.2021.

5.1 Learned Counsel submits that the Respondent No.2 thereafter suffered from Covid-19 and was hospitalized, and subsequently, was unable to discharge his duties. Pursuant thereto, and in terms of his appointment letter, the Respondent No.2 was paid one month’s salary in lieu of notice and his dues were settled by the Petitioner by remitting an amount of Rs.17,074/- to the bank account of the Respondent No.2 on 25.03.2021. It is contended that despite the same, the dispute was raised by the Respondent No. 2 which led to the Impugned Reference Order being passed.

6. None appears for Respondent No. 2 despite service on 06.12.2022.

7. Since the matter is being listed in the category of “Old/Targeted cases, this Court deems it apposite to hear and decide the matter today.



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8. Section 2(a)(i) of the ID Act, which is a detailed provision, sets out that the appropriate Government for the purposes of adjudicating disputes under various acts would be either the Central Government, in cases of Government companies specified in the sub-Section (i) and also includes entities in which the Government of India holds more than 51% shareholding in the following manner:

“2. Definitions.—In this Act, unless there is anything repugnant in the subject or context,—

(a) “appropriate Government” means—

(i) in relation to any industrial dispute concerning any industry carried on by or under the authority of the Central Government, or by a railway company or concerning any such controlled industry as may be specified in this behalf by the Central Government or in relation to an industrial dispute concerning a Dock Labour Board established under section 5A of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), or the Industrial Finance Corporation of India Limited formed and registered under the Companies Act, 1956 (1 of 1956), or the Employees’ State Insurance Corporation established under section 3 of the Employees’ State Insurance Act, 1948 (34 of 1948), or the Board of Trustees constituted under section 3A of the Coal Mines Provident Fund and Miscellaneous Provisions Act, 1948 (46 of 1948), or the Central Board of Trustees and the State Boards of Trustees constituted under section 5A and section 5B, respectively, of the Employees’ Provident Fund and Miscellaneous Provisions Act, 1952 (19 of 1952), or the Life Insurance Corporation of India established under section 3 of the Life Insurance Corporation Act, 1956 (31 of 1956), or the Oil and Natural Gas Corporation Limited registered under the Companies Act, 1956 (1 of 1956), or the Deposit Insurance and Credit Guarantee Corporation established under section 3 of the Deposit Insurance and Credit Guarantee Corporation Act, 1961 (47 of 1961), or the Central Warehousing Corporation established under section 3 of the Warehousing Corporations Act, 1962 (58 of 1962), or the Unit Trust of India established under section 3 of the Unit Trust of India Act, 1963 (52 of 1963), or the Food Corporation of India established under section 3 or a Board of Management established for two or more contiguous States under section 16 of the Food Corporations Act, 1964 (37 of 1964), or the Airports Authority of India constituted under section 3 of the Airports Authority of India Act, 1994 (55 of 1994), or a Regional Rural Bank established under



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*section 3 of the Regional Rural Banks Act, 1976 (21 of 1976), or the Export Credit and Guarantee Corporation Limited or the Industrial Reconstruction Bank of India the National Housing Bank established under section 3 of the National Housing Bank Act, 1987 (53 of 1987), or an air transport service, **or a banking or an insurance company**, a mine, an oilfield, a Cantonment Board, or a major port, **any company in which not less than fifty-one per cent. of the paid-up share capital is held by the Central Government, or any corporation**, not being a corporation referred to in this clause, established by or under any law made by Parliament, or the Central public sector undertaking, subsidiary companies set up by the principal undertaking and autonomous bodies owned or controlled by the Central Government, the Central Government...”*

[Emphasis supplied]

8.1 Section 2(a)(ii) of the ID Act sets out that in relation to all other industrial disputes including disputes concerning a State Public Sector Undertaking or autonomous bodies, owned or controlled by the State Government, the appropriate Government shall be the State Government, and such disputes shall be decided by the appropriate Courts as set up by the State Government in the following manner:

“2. Definitions.—In this Act, unless there is anything repugnant in the subject or context,—

(a) “appropriate Government” means—

(i)...

*(ii) **in relation to any other industrial dispute**, including the State public sector undertaking, subsidiary companies set up by the principal undertaking and autonomous bodies owned or controlled by the State Government, the State Government: Provided that in case of a dispute between a contractor and the contract labour employed through the contractor in any industrial establishment where such dispute first arose, the appropriate Government shall be the Central Government or the State Government, as the case may be, which has control over such industrial establishment”*

[Emphasis supplied]

9. An examination of the Impugned Reference Order sets out the issue of



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termination of the Respondent No. 2 and whether the terms of the Respondent No. 2 was valid and justified, and thereafter, sends the reference to the Central Government Industrial Tribunal at Jabalpur. The relevant extract of the Impugned Reference Order is set out below:

“
F.No.24(12)/2022-IR
Government of India
Ministry of Labour & Employment
Office of Chief Labour Commissioner(C)
New Delhi

Dated:07.07.2022

ORDER

No.24(12)/2022-IR : *WHEREAS the competent authority is of the opinion that Industrial Dispute under section 2(A) raised by **Sh. Jagdish Prasad Dewangan, Community Mobiliser against the employer M/s Indo Global Social Service Society, working in the villages of Distt Janjgir Champa (CG) regarding illegal termination and reinstatement thereof.***

AND WHEREAS the competent authority considers it desirable to refer the said dispute for adjudication;

*NOW THEREFORE, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) on the Central Government and delegated to the competent authority in pursuance of the notification number S.O. 1936 (E), dated the 10th June 2019, **the competent authority herewith directs the reference of the said dispute for its adjudication to the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur. The said Tribunal shall give its award within a period of three months on the reference specified in the Scheduled below:***

THE SCHEDULE

Whether the termination of Sh. Jagdish Prasad Dewangan w.e.f. 10.02.2021, is legal and justified, if not what relief the concerned workman i.e. Sh. Jagdish Prasad Dewangan is entitled to?

Copy forwarded for necessary action to:

***1. The Presiding Officer, Central Govt. Indus. Tribunal-cum-Labour Court H.No.1230, Gole Bazar, Wright Town, JABALPUR-482002.**



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Parties to the dispute:

Employer:

2. The Executive Director, Indo Global Social Service Society-28, Institutional Area, Lodhi Road, New Delhi-110003.

Workman:

3. Sh. Jagdish Prasad Dewangan, S/o Late N.K. Dewangan, Ward No. 10, Post Baloda, Tehsil – Baloda, Distt – Janjgir Champa (Chhattisgarh) – 495559.

The parties rising the dispute shall file a statement of claim complete with relevant documents, list of reliance and witnesses with the Tribunal within fifteen (15) days of receipt of this order of reference and also forward a copy of such a statement to each one of the opposite parties involved in this dispute under rule 10(B) of the industrial disputes (Central), Rules, 1957.”

5. Dy. CLC(C), Raipur with reference to hid file no RP-7(06)/2021-Dy.CLC.

6. Adjudication folder.

[Emphasis Supplied]

10. The contention of the learned Counsel for the Petitioner is that under the provisions of Section 2(a)(i) of the Industrial Disputes Act, 1947 [hereinafter referred to as the “ID Act”], the appropriate Government would be the State Government and not the Central Government, and thus, the Impugned Reference Order is not in accordance with law.

11. As stated above, the Petitioner is a registered society/NGO carrying out services and the adjudication for an entity like the Petitioner would be carried out by an Authority under the State Government and not the Central Government Industrial Tribunal as the appropriate Government for the Petitioner would fall in the definition under Section 2(a)(ii) of the Industrial Disputes Act. However, the reference order as issued by Respondent No.1 wrongly sets out that it would be the Central Government Industrial Tribunal



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at Jabalpur. The Impugned Order cannot be sustained and is accordingly set aside.

12. The Respondent/Workman is however at liberty to take appropriate steps in accordance with law for redressal of his grievances before the appropriate authority. All rights and contentions of the parties are left open in this behalf.

13. The Petition is disposed of in the foregoing terms. Pending Application stands closed.

14. The parties shall act based on a digitally signed copy of the order.

TARA VITASTA GANJU, J

AUGUST 5, 2025/ ha/r