HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 19029/2025
CNR: RJHC020934222025 | URN: CW / 42697U / 2025

Babulal Gurjar S/o Sh. Dhannaram, R/o Gurjaron Ka Mohalla, Daulatpura, Neendar, Jaipur.

----Petitioner

Versus

1. State Of Rajasthan, Through Secretary, Labour And Employment Department, Secretariat, Rajasthan.
2. Labour Commissioner Rajasthan, Shram Bhawan, Shanti Nagar, Khatipura Road, Hasanpura, Jaipur- 302006.
3. Joint Labour Commissioner, Shram Bhawan, Shanti Nagar, Khatipura Road, Hasanpura, Jaipur- 302006.
4. Assistant Labour Commissioner, Shram Bhawan, Shanti Nagar, Khatipura Road, Hasanpura, Jaipur- 302006.
5. M/s Auto Malleable, E-353, Road No. 14, Vishvakarma Industrial Area, Jaipur Through Its Partner And Proprietor Sh. Mahendra Mishra.

----Respondents

For Petitioner(s) : Mr. Nishant Vyas
For Respondent(s) :

JUSTICE ANOOP KUMAR DHAND

Order

28/10/2026

1. The instant writ petition has been preferred against the impugned order dated 28.03.2025, passed by the Assistant Labour Commissioner, Jaipur, by which the application submitted by the petitioner under Section 15 of the Industrial Disputes Act, 1947 for referring the dispute to the Labour Court has been rejected.

2. Learned counsel for the petitioner submits that the petitioner was illegally retrenched by the respondents. Hence, an application was submitted by him before the Assistant Labour Commissioner for referring the same to the Labour Court for adjudication of the dispute on its merits. However, the said application of the petitioner has been rejected only on a technical count that a tripartite agreement was executed with the Trade Union and the same would be applicable upon all the workmen. Counsel submits that the petitioner is not a member of the said Trade Union, hence, the terms and conditions of the aforesaid tripartite agreement are not applicable upon the petitioner. The petitioner has not signed any tripartite agreement. Hence, he is not bound by the same. But all these facts were overlooked by the Assistant Labour Commissioner while passing the order impugned. Hence, interference of this Court is warranted.

3. Heard and considered the submissions made at the Bar and perused the material available on the record.

4. Considering the arguments put forward by the learned counsel for the petitioner and looking to the fact that a dispute has been raised by the petitioner, the Assistant Labour Commissioner was expected to conduct the reconciliation proceedings between the parties and in case reconciliation proceedings failed for whatever reason, the dispute could have been referred to the Labour Court for adjudication on its merits. But instead of doing so, the Assistant Labour Commissioner has rejected the application of the petitioner on a technical count that the tripartite agreement executed by the management with the Trade Union would be applicable upon each workmen. However,

this fact has been seriously contended by the petitioner that he is not a member of the said Trade Union, therefore, the tripartite agreement would not apply upon the petitioner. All these facts could be decided in a just and reasonable manner by the Labour Court after recording the evidence of both sides.

5. On this Count alone, the impugned order dated 28.03.2025 passed by the Assistant Labour Commissioner is found to be unsustainable and is liable to be and is hereby, quashed and set aside. The Assistant Labour Commissioner is directed to re-hear the matter and pass appropriate orders after providing due opportunity of hearing to the respondents.

6. With the aforesaid observation the instant writ petition stands disposed of.

7. Stay application and all pending applications, if any, stand disposed of.

(ANOOP KUMAR DHAND),J

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