

Opinion of Justice A.R. Tiwari, dated 5.12.1997 as Third Judge

HIGH COURT OF MADHYA PRADESH : INDORE BENCH : INDORE

(SINGLE BENCH : HON.SHRI A.R. TIWARI, J)

AS THIRD JUDGE ON DIFFERENCE OF OPINION BETWEEN
TWO HON'BLE JUDGES CONSTITUTING DIVISION BENCH

LETTERS PATENT APPEAL NO. 155 OF 1996

Manager, Kedia Distillery
Industrial Estate,
Bhilai,

.....Appellant

V/s.

Chairman/President, State
Industrial Court, M.P.,
Indore, and 19 others,

.....Respondents

LETTERS PATENT APPEAL NO. 156 OF 1996

The Manager,
Chhattisgarh Distillery,
Kumhari, Dist. Durg.

.....appellant

V/s

Chairman/President, State
Industrial Court, M.P.,
Indore, and 19 others

.....Respondents

LETTERS PATENT APPEAL NO. 162 OF 1996

Manager,
Bhilai Engineering

O P I N I O N

(Delivered on 05th December, 1997)

Altivalently these four Letters Patent Appeals under Clause x of the Letters Patent were filed against the order dated 27.9.1996, rendered by Single Bench in Writ Petition No. 1231 of 1995, presented by Manager, Simplex Engineering and Foundry Works Ltd., Unit-I, Bhilai, Unit-II, Bhilai, Unit-III, Rajnandgaon, Manager, Beekay Casting Ltd., Bhilai, Beekay Engineering Corporation, Bhilai, Unit-II, Bhilai, Manager, Bhilai Engineering Corporation, Raipur, Impex, Bhilai, Unit-II, Bhilai, Bhilai Wires Ltd., Bhilai, Manager Bhilai Distillery, Bhilai Manager, Chhattisgarh Distillery, Durg, Manager, Vishwavishal Engineering Ltd., Bhilai, Manager, Simplex Casting Ltd., Unit-I, Bhilai and Unit-II, Raipur (15 petitioners) under Article 226/227 of the Constitution of India in quest of question of order dated 31.5.1995 (Annexure A/47) passed by Division Bench of Industrial Court, Indore in Reference Case No. 1 to 15/ MPIR Act/93, overruling preliminary objections preferred against the tenability of Reference 'A-1 to A-15', made by State Government in exercise of power conferred by Section 51 (a) of the M.P. Industrial Relations Act, 1960 on 26.2.1993, dismissing the writ petition and saving management rights.