

Full Bench, M.P. High Court, Indore, Order dated 06.04.1999

F.B. : Hon. B.A. Khan, Hon.S.B. Sakrikar & Hon.V.K.Agarwal, JJ

Letters Patent Appeal No. 155 of 1996
Letters Patent Appeal No. 156 of 1996
Letters Patent Appeal No. 162 of 1996
Letters Patent Appeal No. 163 of 1996

ORDER

(Passed on this 6th day of April, 1999)

These appeals are directed against order dated 27/9/96 passed in W.P. No.1231/95 filed by appellants. The matter has a chequered history. It all started with the Government passing order dated 26/2/93 referring an industrial dispute to the Industrial Court at Raipur. This was resisted by appellants by raising a preliminary objection about the maintainability of the reference itself. Their objection was, however, over-ruled leading to the filing of W.P. 1231/95 wherein they re-agitated the issues related to the maintainability of the reference. Their pleas, however, did not find favour with the writ Court which dismissed their writ petition declaring it premature on the ground that the issues touching the merit of the matter could as well be dealt with and decided by the Industrial Court. Appellants felt aggrieved by this order and have filed these appeals which mid-way got entangled in a controversy on jurisdictional aspect resulting in two Division Benches differing on the opinion rendered by the third Judge pursuant to first split and finally matter being placed before the Full Bench.

That is how we are seized off the matter.

2. After arguing for a while LC for parties agreed for disposal of these appeals by the following consent order:-

7 "1) Industrial Court order dated 31/5/95 upholding the maintainability of reference and the writ Court order dated 27/9/96 affirming that order is upheld. In other words the reference made by the Government to the Industrial Court is found in order and would not be subject to any further objection by the appellants.

2) Industrial Court at Raipur shall now proceed to decide the reference on merits as per law on hearing the parties.

- 3) Parties shall appear before the Industrial Court at Raipur on 10th May, 1999 and thereafter Court shall take steps to ensure expeditious disposal of the reference within four months from this date. In case it is not possible for it to adhere to the prescribed schedule for some reason it shall approach the Division Bench of this Court at Indore for any further extension of time on cogent reasons.
- 4) Considering that this Court had already ordered status quo viz-a-viz the present status of respondent-employees, Industrial Court interim order dated 12/10/95 naturally had lost much of its shine in the process. Therefore, such status quo shall be maintained in respect of employees present status till any appropriate orders in this regard are passed by the Industrial Court. However, if any of the employees had taken benefit of that order they shall continue to enjoy that benefit subject to the final outcome of the reference. This shall not however, come in the way of respondent-employees to approach the Industrial Court again for any interim relief, if so advised and on so doing the Court shall examine and consider the prayer on hearing the parties and pass appropriate orders.
- 5) Mr. Mathur LC for appellants in all fairness also appreciated that this was no need to press any challenge to the reference No. 4 which pertains to the power/justification to grant interim relief by Industrial Court which otherwise enjoys that power.
- 6) Both parties shall of course be at liberty to take an appropriate remedy in case they feel aggrieved of the Industrial Court order.
- 7) Any observations made by successive benches of this Court touching the substance and merit of the dispute between the parties shall have no bearing in the disposal of the reference by the Industrial Court which shall proceed in the matter uninfluenced by any such observations, if any, and in accordance with law.

(B.A. Khan)
Judge

(S.B.Sakrikar)
Judge

(V.K.Agarwal)
Judge