

(2002) 10 AHC CK 0219

Allahabad High Court

Case No: C.M.W.P. No. 27462 of 1995

Regional Manager, U.P.S.R.T.C.

APPELLANT

Vs

Mohd. Yaqoob and Another

RESPONDENT

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**Date of Decision:** Oct. 23, 2002**Acts Referred:**

- Uttar Pradesh Industrial Disputes Act, 1947 - Section 4K

**Citation:** (2003) 3 AWC 1727 : (2002) 95 FLR 1062 : (2003) 1 UPLBEC 151**Hon'ble Judges:** Anjani Kumar, J**Bench:** Single Bench**Advocate:** Rajiv Sharma and Rahul Anand Gaur, S.C, for the Appellant; A.M. Zaidi and M.H. Khan, for the Respondent**Final Decision:** Dismissed

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**Judgement**

Anjani Kumar, J.

Perused the office report dated 7.10.2002. The attested true copy of the stay vacation application along with counter-affidavit has been filed by Shri M. H. Khan. The said stay vacation application along with counter-affidavit is accepted on record and treated as original.

2. The petitioner-employer has challenged the order dated 31.7.1995 passed by the Dy. Labour Commissioner, whereby he has accepted the application for referring the dispute to the proper labour court/industrial Tribunal and also condoned the delay in filing the application. It is this order which is under challenge.

3. Learned counsel for the petitioner has submitted that the Dy. Labour Commissioner who has passed the aforesaid order has acted in utter disregard of law in condoning the delay and making reference. It would not be out of place to mention that because of interim order of this Court in spite of order dated 31.7.1995, the matter has yet not been referred to the proper labour court. In a recent decision in [Sapan Kumar Pandit Vs. U.P. State Electricity Borad and Others](#), ,

wherein the Apex Court held that once the referring authority is satisfied that there exists an industrial dispute, it cannot be gainsaid that the matter is delayed or raised with inordinate delay.

4. In this view of the matter, at this stage this writ petition deserves to be dismissed. However, it will be open to the petitioner to raise objection as and when the dispute is referred to the proper labour court to demonstrate that this case is covered by exception carved out with the aforesaid Sapan Kumar Pandit's case.

5. In view of what has been stated above, the writ petition is dismissed. Interim order, if any, stands vacated.