AIR 2001 SC 2230 : (2001) AIRSCW 2188 : (2001) 167 CTR 469 : (2001) 249 ITR 452 : (2001) 1 JT 129 Supp : (2001) 4 SCALE 99 : (2001) 5 SCC 627 : (2001) 4 Supreme 68 : (2001) 116 TAXMAN 636

Supreme Court of India

Case No: Civil Appeal No. 185 of 1996

Hospital Employees Union and Others		APPELLANT
	Vs	
Union of India (UOI) and Others		RESPONDENT

Date of Decision: Aug. 2, 2001

Acts Referred:

- Industrial Disputes Act, 1947 - Section 2A, 10, 12

Citation: AIR 2001 SC 2230 : (2001) AIRSCW 2188 : (2001) 167 CTR 469 : (2001) 249 ITR 452 : (2001) 1 JT 129 Supp : (2001) 4 SCALE 99 : (2001) 5 SCC 627 : (2001) 4 Supreme 68 : (2001) 116 TAXMAN 636

Hon'ble Judges: Shivaraj V. Patil, J; S. Rajendra Babu, J

Bench: Division Bench

Judgement

S. Rajendra Babu J.-This matter arises out of public interest litigation initiated in the matter of reference of disputes under Sections 10 and 12 of the Industrial Disputes Act, 1947 (for short "the Act") for conciliation and for not making the appropriate reports within the statutory period fixed under the relevant provisions of the Act and, in these circumstances the petitioners approached the High Court by filing a writ petition. The High Court, however, dismissed the writ petition. On special leave petition being filed in this Court, this Court entertained the matter and from time to time directions have been given. Pursuant to an order made by this Court, a Committee was constituted and various measures have been taken as per the report filed before this Court regarding delay in conciliation proceedings and satisfaction of the remedies and thereafter, we called for status report of the action taken on the recommendations made by the said Committee and various steps which have been taken by the Government in this regard.

2. Now, ultimately it has been submitted before this Court that the Government gives an undertaking to create 33 additional posts as per the details contained in Annexure I to the report filed before this Court. This is placed on record. It would be appropriate for the respondent Government to take appropriate steps to make a provision in the Act enabling a workman to approach the Labour Court or the Industrial Tribunal directly without the requirement of a reference by the Government in case of industrial dispute covered by Section 2-A of the Act because such a course will remove many of the misgivings with reference to effectiveness of the remedies provided under the Act and moreover, it would reduce the workload on the part of the Conciliation Officer.

3. However, Shri N.N. Goswami, the learned Senior Advocate appearing for the respondent submitted that there is likelihood of frivolous litigations being initiated by the disgruntled workmen. But in the States of Karnataka and Andhra Pradesh such provisions have been introduced into the Act without any deleterious effect. On the other hand, such a course has facilitated easy disposal. This Court has also made such a suggestion in the case of Rajasthan SRTC v. Krishna Kant1.

4. Subject to other directions being given in this matter, the aforesaid directions shall be complied with as expeditiously as possible. Further progress in this regard shall be reported after three months.