
(1991) 1 ALT 389

Andhra Pradesh High Court

Case No: Writ Petition No. 3104 of 1990

A. Seshagiri Rao,
Branch Secretary
APSRTC, National
Mazdoor Union, Guntur
Branch

APPELLANT

Vs

The Govt. of A.P. and
Others

RESPONDENT

Date of Decision: Nov. 21, 1990

Acts Referred:

Constitution of India, 1950 " Article 226#Industrial Disputes Act, 1947 " Section 10(1)

Citation: (1991) 1 ALT 389

Hon'ble Judges: Radhakrishna Rao, J

Bench: Single Bench

Advocate: D. Nageswara Rao, for the Appellant; Govt. Pleader for Respondent No. 1 and D. Reddappa Reddy, S.C. for Respondents 2 and 3, for the Respondent

Judgement

@JUDGMENTTAG-ORDER

Radhakrishna Rao, J.

This petition is filed for the issue of a writ of mandamus declaring the action of the 1st respondent in refusing to refer

the dispute raised by the petitioner to the Labour Court for adjudication as arbitrary, illegal and without jurisdiction, and to issue a consequential

direction to the 1st respondent to refer the dispute to the Labour Court for adjudication.

2. The impugned order reads as follows :

.....The Government considers that the above dispute does not merit reference for adjudication since the punishment inflicted by the

Management on the workmen was to ensure discipline in the industry".

3. The first respondent took the view that the punishment inflicted by the Management was to ensure discipline in the industry and if so, no

reference is called for. It may however be noticed that the petitioner herein was inflicted with certain punishment, and to seek an adjudication

whether the punishment so imposed by the Management was justified or not, the petitioner has a right to have the dispute referred to the Labour

Court. The ground on which the respondent in this case refused to refer the matter for adjudication cannot be sustained.

4. The learned counsel for the petitioner has relied upon a decision of the Supreme Court in *Telco Convoy Drivers Mazdoor Sangh and Another*

Vs. State of Bihar and Others, . In that case, the Supreme Court directed the Government to make a reference when the Government had

persistently declined to make a reference u/s 10(1) of the Industrial Disputes Act, 1947. It held that "the Government while considering the

question whether reference should be made or not, cannot delve into merits of the dispute and determine the list itself.

5. In the circumstances, the respondent is directed to refer the matter to the Labour Court for adjudication.

6. The writ petition is disposed of accordingly- No costs. Advocate's fee Rs. 250/-.