

IN THE HIGH COURT OF KARNATAKA
KALABURAGI BENCH

DATED THIS THE 30TH DAY OF NOVEMBER, 2016

B E F O R E

THE HON'BLE MR. JUSTICE A.N. VENUGOPALA GOWDA

WRIT PETITION NO.205097/2015 (L-TER)

BETWEEN:

RAMESH S/O SH.BABU SHERIGERA
AGE: 47 YEARS, OCC: NOW NIL, EARLIER WORKING AS
HEAVY EQUIPMENT OPERATOR
R/O KODLA CROSS, SEDAM,
DIST:KALABURAGI- 585 222

... PETITIONER

(BY SMT. HEMA L. KULKARNI, ADV.)

AND:

1. M/S VASAVADATTA CEMENT CO.LTD.,
REGD.OFFICE 9/1, R.N.MUKHERJEE ROAD,
KOLKATA- 700 001
REPRESENTED BY THE GENERAL MANAGER (HR)
L.N. NAGAR, SEDAM- 585 222
DIST:KALABURAGI

2. M/S JAI BHAVANI CONTRACTORS
C/O VASAVADATTA CEMENT,
L.N.NAGAR, SEDAM- 585 222
DIST:KALABURAGI
3. THE REGIONAL LABOUR COMMISSIONER (CENTRAL)
O/O REGIONAL LABOUR COMMISSIONER,
BUDA COMPLEX, NEAR MOTI TALKIES,
BELLARY- 586 101
4. THE CHIEF SECRETARY
CENTRAL LABOUR DEPARTMENT
NEW DELHI- 110 001

... RESPONDENTS

(BY SRI ASHOK S. KINAGI, ADV. FOR R1; R2 IS SERVED BUT UNREPRESENTED; SRI J.K. BUKKA, ADV. FOR R3 & R4-ABSENT)

THIS PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OF CERTIORARI TO QUASH THE IMPUGNED ORDER DATED 21.08.2014 ON THE FILE OF REGIONAL COMMISSIONER (CENTRAL).

THIS PETITION COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

The case of the petitioner is that he was appointed as an 'Equipment Operator' on 14.01.1998 with respondent No.1 and there was oral termination on 11.01.2010.

2. Respondent No.3 having been approached with a grievance, conciliation proceeding was initiated and by a communication dated 21.08.2014, as at Annexure-G, respondent No.2 was advised to take the petitioner back to duty and report compliance.

3. This petition was filed to quash Annexure-G and direct respondent No.3 to submit 'failure report' regarding conciliation and consequently to refer the matter for adjudication to the Central Government Industrial

Tribunal, Bangalore i.e., by making a reference under S.10 of the Industrial Disputes Act, 1947.

4. Heard learned counsel on both sides and perused the record.

5. If the conciliation has not materialised and there is failure, respondent No.3 should submit report to the appropriate Government. Instead, the course adopted, by issuance of Annexure-G being impermissible, the petition is allowed and Annexure-G is quashed.

Respondent No.3 is directed to submit report to the appropriate Government with regard to the outcome of conciliation for appropriate action.

Sd/-
JUDGE

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