

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 15418/2024

Manager, M/s Daikin Airconditioning India Pvt. Ltd.

-----Petitioner

Versus

Rajpal S/o Banwarilal

-----Respondent

For Petitioner(s) : Mr. Veyankatesh Garg

For Respondent(s) :

JUSTICE ANOOP KUMAR DHAND

Order

07/10/2024

Learned counsel for the petitioner submits that the provisions contained under Section 2A(2) of the Industrial Disputes Act, 1947 (for short 'the Act, 1947') have been repealed vide the Repealing and Amendment Act, 2016 whereby jurisdiction of the Labour Court, and the Industrial Tribunal has been taken away. Learned counsel submits that after repealing of the provisions contained under Section 2A(2) of the Act, 1947, the application filed by the respondent-workman without reference from the appropriate Government, was not maintainable before the Labour Court. Counsel submits that the petitioner-Company moved an application before the Industrial Tribunal stating that the provisions contained in Section 2A(2) of the Act, 1947 have been repealed by the Central Government Gazettee Notification with effect from 09.05.2016 but still the Labour Court rejected the application filed by the petitioner-Company and proceeded with the Industrial Dispute to adjudicate the same. Learned counsel for the petitioner submits that a specific objection was taken in this

regard but the same has been overruled by the Labour Court vide impugned order dated 25.07.2024. Learned counsel further submits that application filed by the respondent-workman is not maintainable, after the repealing provisions. In support of his contentions, he has placed reliance on the judgment passed by the Tripura High Court in case of **Glenmark Pharmaceuticals Limited Vs. State of Tripura & Ors.; Writ Petition (C) No.457 of 2020.**

Issue notice of the writ petition as well as of the stay application, rule is made returnable by four weeks.

Till next date, further proceedings in the Industrial Dispute Case No.LCR 28/2017 pending before the Industrial Tribunal & Labour Court, Alwar shall remain stayed.

This Order will come into effect only after service upon the respondent-workman.

Notices be given 'dasti'.

Office is further directed to send a copy of this interim order to the respondent alongwith notices.

The respondent would be at liberty to move an application for recalling/modification of the order after service.

(ANOOP KUMAR DHAND),J