

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 15940/2025

Power Grid Corporation Of India Ltd., Saudamini, Plot No. 2
Sector 29, Gurgaon 122001 Haryana (Through Its Chairman And
Managing Director).

-----Petitioner

Versus

1. Power Grid Karmcharee Sangathan, Uttari Kshetr Pratham
Registered Union Office- A 26, Dda Flats, Double Storey
Garhi East Of Kailash, New Delhi 110065. (Through Its
President Sh. Rajesh Kumar Jat)
2. Shri Shailender Sharma S/o Surender Kumar Sharma,
R/o Near Kirti Stumbh Municipal Road, Bikaner-
Rajasthan- 334001.

-----Respondents

For Petitioner(s)	:	Mr. Virendra Lodha, Senior Advocate with Mr. Prateek Sharma & Mr. Ashim Chatterjee
For Respondent(s)	:	

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

03/11/2025

1. Instant writ petition is preferred by petitioner Power Grid Corporation of India Limited to challenge the reference dated 28.08.2025 made by Deputy Chief Labour Commissioner (Central) Ajmer on grievance raised by respondent no.2 through respondent no.1 after failure of conciliation between the parties.
2. Learned Senior Advocate appearing on behalf of petitioner submits that the respondent is not a workman rather he is a gazetted officer and liable to be transferred from one place to another not only within the country but outside the country where

the petitioner is carrying on work in pursuant to objects of the company. He submits that the petitioner has challenged the legality of reference as the incident of transfer is not a right to be claimed by any employee, particularly when he is not a workman. He placed reliance upon judgment in case of **State of Rajasthan & Ors. Vs. Harish Chandra Sharma 2006 (4) RLW 3028** and submitted that validity of reference has to be challenged at preliminary stage, and same is maintainable under Article 226 of the Constitution of India.

3. Having considered the submissions of learned Senior Advocate and also on perusal of material and judgment as referred hereinabove, the material indicate that after failure of conciliation between the parties, the Deputy Chief Labour Commissioner (Central) Ajmer has made a reference dated 28.08.2025 to the Central Government Industrial Tribunal, Jaipur under Section 10 of the Industrial Disputes Act, 1947.

4. Issue notice to respondent(s). Additional service by registered speed post is also permitted. Issue notice for stay application as well.

5. Considered stay application.

6. The proceedings before the Central Industrial Tribunal, Jaipur shall remain stayed till next date of hearing.

7. List after four weeks.

(ASHOK KUMAR JAIN),J