

Public Enterprises Bhavan,
Block No. 14, CGO Complex,
Lodhi Road, New Delhi-110 003.

Dated: 25th June, 2018

OFFICE MEMORANDUM


Subject: Writ petitions by CPSEs against the service matter disputes referred to the Industrial Tribunals – Reference received from Chief Labour Commission (CLC) - regarding.

The undersigned is directed to refer to above mentioned subject and to say that Chief Labour Commissioner (CLC), Ministry of Labour and Employment (L&E) vide letter dated 17.04.2018 (copy enclosed) has brought to the notice of this Department that a few CPSEs have been filing Writ petitions in various High Courts in a routine manner against the disputes referred to Industrial Tribunals for adjudication. In one such matter, the Hon'ble Court has expressed its concern on unnecessary litigation resorted to by CPSEs.

2. In this regard, it is mentioned that it is the consistent position of the Government to reduce the litigation between government agencies. The CLC, M/o L&E has also observed that CPSEs instead of filing Writ petitions in a routine manner may challenge only those cases in which the CPSE policy or larger legal issues are involved.

3. All administrative Ministries / Departments are requested to bring the observations of CLC to the notice of CPSEs under their administrative control for necessary action.

Encl. as above.


(Rajesh Puri)
Deputy Director

To: All Administrative Ministries / Departments concerned with CPSEs.

Copy to (for information & necessary action)

- (i) Chief Executive of all CPSEs.
- (ii) Secretary, Ministry of Labour and Employment, Shram Shakti Bhawan, New Delhi – 110001.
- (iii) Shri. J.K. Sagar, CLC, Office of the Chief Labour Commissioner (C), Shram Shakti Bhawan, New Delhi – 110001.
- (iv) NIC, Cell DPE with a request to upload a copy at DPE's web-site under the link What's New.

48914/2018/CO-ORDINATION SECTION

जितेन्द्र कुमार सागर, सी.एल.एस.

मुख्य श्रमायुक्त (केन्द्रीय)

JITENDRA KUMAR SAGAR, CLS
CHIEF LABOUR COMMISSIONER (C)



भारत सरकार

श्रम एवं रोजगार मंत्रालय

मुख्य श्रमायुक्त (के०) कार्यालय

श्रम शक्ति भवन, नई दिल्ली-110001

Government of India

Ministry of Labour & Employment

Office of the Chief Labour Commissioner (C)

Shram Shakti Bhawan, New Delhi-110001

Tel. No. : 011-23710447

E-mail : jk.sagar58@nic.in

Dated: 17.04.2018

D. O. No. 15(14)/2017-IR

Dear Shri *Shri Sihagji*

This is with reference to number of writ petitions filed in various High court of state specially by Oil companies and Coal India Ltd. against the reference of service matter disputes to the Industrial Tribunals for adjudication by the Ministry of Labour and Employment. The details have been enclosed in **Annexure I**.

In one matter, the Hon'ble High Court of Delhi has expressed its concern over the unnecessary litigation resorted to, by the concerned public sector undertakings.

The ministry of Labour and Employment is of the opinion that the public Sector Undertakings should not challenge all such issues in routine manner rather they should be challenge only those matter when the company's policy or legal issues warrants so. In addition to this, Ministry of Labour and Employment requests that such litigation can be avoided by effective compliance of the provisions of labour laws at right time.

You are, therefore, requested to issue necessary advise to the concerned management.

With regards ,

Yours sincerely,

J.K. Sagar
(J.K. Sagar)

Dr. A. R. Sihag,
Secretary,
Ministry of Heavy Industries & Public Enterprises
Udyog Bhawan
New Delhi.

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Annexure-I

S.No.	subject	Present Status
1.	W.P.No.7645 of 2016 filed by IOCL against the UOI & Others in Hon'ble Delhi High Court.	i) CGIT Delhi gave an Award dated 10.05.2016 in favour of workmen of M/s. Swarn Jayanti Samudaik Hospital, Mathura Refinery which has been challenged by the management of Mathura Refinery in the Hon'ble High Court. Matter is still pending in Delhi High Court.
2.	W.P.No.426 of 1999 filed by IOCL against the UOI & Others.	i) The management of IOCL has also challenged the Notification No.SO 959 (E) dated 09.11.1998- u/s 10 of CL(R&A) Act,1970 prohibiting employment of contract labour. ii) The matter has been taken up with the Management of Mathura Refinery. They have informed that there is stay in W.P.No.426/99 in Delhi High Court.

The References.

S.No.	Subject/(FOC)	Subject matter/Present status.
1.	F.No.JHS-ALC-ID-41 dated 30.11.2017. Ministry F.No.H-30011/8/2018-IR(M).	Again a matter of termination of contract workman of canteen & Swarn Jayanti Samudaik Hospital of Mathura Refinery has been referred to CGIT by MoL&E since the management refused to accept the demands. Who were asking for regularization of service in Mathura Refinery.
2.	F.No.JHS-ALC-ID-38 dated 30.11.2017. Ministry F.No.H-30011/7/2018-IR(M).	Relief to the Contract Workers engaged by the contractor M/s Radha Kishan Singhal without license.
3.	F.No.JHS-ALC-ID-13 dated 04.12.2017. Ministry F.No.H-30011/74/2017-IR(M).	Illegal termination of services of contract worker Sh. Dashrath Prasad by the contractor of IUCL, Mathura Refinery, M/s Shashi Catering Services.