

**BEFORE CENTRAL GOVT. INDUSTRIAL TRIBUNAL CUM –
LABOUR COURT NO. II, NEW DELHI**

ID No. 08/2016

Sh. Ashok Kumar vs. Bharti Airtel Ltd.

Counsels:

For Applicant/ Claimant:

Sh. Pankaj Tripathi, Ld. AR

For Management/ Respondent:

Sh. Ankit Kumar, Ld. AR.

Order dated: 09.04.2025

This order shall dispose of an application filed by the management under **order VII rule 11 read with section 151 CPC**, seeking dismissal of the present petition on the grounds of lack of jurisdiction. It is the management's contention that under section 2(a) of the Industrial Disputes Act, 1947, 'appropriate government' in relation to any industrial dispute that pertains to an industry carried on by or under the authority of the central government is the central government.

2. AR for the claimant didn't file a formal reply to the application and chose to argue straight away. He submitted that the provisions of CPC are not applicable in the present case and the application is liable to be dismissed.

3. I have heard the arguments at bar. Before proceeding further, Section 2(a)(i) of the I.D. Act is required to be reproduced herein:

2. Definitions- In this Act, unless there is anything repugnant in the subject or context,-

(a) "appropriate Government" means—

(i) in relation to any industrial dispute concerning 4 any industry carried on by or under the authority of the Central Government, 5*** or by a railway***

*company 6[or concerning any such controlled industry as may be specified in this behalf by the Central Government] 7*** or in relation to an industrial dispute concerning 8[9[10[11[a Dock Labour Board established under section 5A of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), or 12[the Industrial Finance Corporation of India Limited formed and registered under the Companies Act, 1956 (1 of 1956)], or the Employees' State Insurance Corporation established under section 3 of the Employees' State Insurance Act, 1948 (34 of 1948), or the Board of Trustees constituted under section 3A of the Coal Mines Provident Fund and Miscellaneous Provisions Act, 1948 (46 of 1948), or the Central Board of Trustees and the State Boards of Trustees constituted under section 5A and section 5B, respectively, of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 (19 of 1952), 13***, or the Life Insurance Corporation of India established under section 3 of the Life Insurance Corporation Act, 1956 (31 of 1956), or 14[the Oil and Natural Gas Corporation Limited registered under the Companies Act, 1956 (1 of 1956)], or the Deposit Insurance and Credit Guarantee Corporation established under section 3 of the Deposit Insurance and Credit Guarantee Corporation Act, 1961 (47 of 1961), or the Central Warehousing Corporation established under section 3 of the Warehousing Corporations Act, 1962 (58 of 1962), or the Unit Trust of India established under section 3 of the Unit Trust of India Act, 1963 (52 of 1963), or the Food Corporation of India established under section 3 or a Board of Management established for two or more contiguous States under section 16 of the Food Corporations Act, 1964 (37 of 1964), or 1[the Airports Authority of India*

constituted under section 3 of the Airports Authority of India Act, 1994 (55 of 1994)], or a Regional Rural Bank established under section 3 of the Regional Rural Banks Act, 1976 (21 of 1976), or the Export Credit and Guarantee Corporation Limited or the Industrial Reconstruction Bank of India 2[the National Housing Bank established under section 3 of the National Housing Bank Act, 1987 (53 of 1987)], or 3[4[an air transport service, or a banking or an insurance company], a mine, an oil field] 5[, a Cantonment Board,] or a 6[major port, any company in which not less than fifty-one per cent. of the paid-up share capital is held by the Central Government, or any corporation, not being a corporation referred to in this clause, established by or under any law made by Parliament, or the Central public sector undertaking, subsidiary companies set up by the principal undertaking and autonomous bodies owned or controlled by the Central Government, the Central Government, and] 7 [(ii) in relation to any other industrial dispute, including the State public sector undertaking, subsidiary companies set up by the principal undertaking and autonomous bodies owned or controlled by the State Government, the State Government: Provided that in case of a dispute between a contractor and the contract labour employed through the contractor in any industrial establishment where such dispute first arose, the appropriate Government shall be the Central Government or the State Government, as the case may be, which has control over such industrial establishment;]

4. From perusal of the aforesaid section, it is made clear that the 'appropriate government' in respect to the industrial disputes is the

central government when it pertains to any industry carried on by or under the authority of central government, or in respect of any such controlled industry as may be specified in this behalf by the central government. Besides this, a large number of the industries have been detailed in the definition of this section where appropriate government is the central government.

5. The main contention of the management is that Bharti Airtel Ltd. is a private company and it doesn't come within the purview of the central government because it doesn't carry out the activities of the central government.

6. In this respect, it is also important to mention here that the same dispute had been arisen before the Patna High Court in the matter of ***Reliance Communication Ltd. vs. The Union of India & Ors., WP(C) no. 18041 of 2014, decided on 23.03.2017.*** In this petition, Patna High Court held that the communication industry is a controlled industry under the supervision of the central government. It was noted that the central government is the appropriate government in respect of the petitioner's establishment, as it is an industry controlled by the central government, having obtained the license from the department of telecommunications **under section 4 of Indian Telegraph Act, 1885.** Therefore, the court decided that the central government is the appropriate government in such matters under the Industrial Disputes Act, 1947.

7. Moreover, article 245 of the constitution of India empowers the parliament to make laws for the whole or any part of the territory of India, and the legislature of a state to make laws for the whole or any part of the state. Under the constitution, there are three-fold distinctions of legislative powers between the union and the states. The seventh schedule of the constitution enumerates the subjects of list I, where the union of India is empowered to make law. in the item no. 31 of the list I (Union List), the parliament is empowered to make the laws on Posts and telegraphs; telephones, wireless, broadcasting and other like forms of communication.

8. In pursuance of the item-31 of the list-I (Union List) of seventh schedule of the constitution of India, the **Indian Telegraph Act, 1885** was enacted, and has been amended from time to time. Though, the Indian Telegraph Act had been passed in 1885. However, article 372 of the constitution of India, has given the continuity of all the laws enforced in the territory of India immediately before the commencement of the constitution until it has been altered, repealed or amended by a competent legislature or other competent authority.

9. In view of the judgment passed by the High Court of Patna in ***Reliance Communication Ltd. vs. The Union of India & Ors., WP(C) no. 18041 of 2014***, coupled with the fact that the Indian Telegraph Act, 1885 has been enacted by the parliament to make laws in respect of the Posts and telegraphs; telephones, wireless, broadcasting and other like forms of communication, as enumerated in Item no. 31 of the union list of the seventh schedule of the constitution of India, it is apparent that the 'appropriate government' in respect of Bharti Airtel is the central government. The central government is the exclusive authority under the Indian Telegraph Act to give the license regarding telecommunication to any particular entity and regulate the terms and conditions mentioned therein. Therefore, central government is the appropriate authority in respect of Bharti Airtel Ltd. in regard to the Industrial Disputes.

In view of the above discussion, I find no merit in the application. Hence, the same stands dismissed.

Dated 09.04.2025

ATUL KUMAR GARG
Presiding Officer
CGIT – cum – Labour Court – II