

ORDER SHEET

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
JABALPUR (M.P.)

Date of Order of Proceeding	Order Or Proceeding with Signature of Judicial Member	Remark
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Case No. CGIT/LC/RC/35/2022

Praveen Kumar Sharma V.s. M/s Prism Johnson & Others

22.04.2026	<p>Application dated 08.12.2025 has been filed by the Workman through his Learned Counsel, seeking recall of Order dated 30.06.2025. I have heard argument of Learned Counsel Mr. Pranay Choubey for the Applicant Workman and Mr. Kuldeep Bhargava, Learned Counsel for Management on this application and have gone through the record.</p> <p>The case has been registered on the basis of a petition filed by the Applicant Workman Praveen Kumar Sharma, under <i>Section 2-A (2&3) of the Industrial Dispute Act, 1947 as amended vide Amendment Act of 2010 (in short the 'Act')</i>, seeking setting-aside of his termination by Management by way of alleged illegal retrenchment vide its order dated 24.11.2020</p> <p>A preliminary objection was raised by Learned Counsel for the Management during course of hearing with respect to the maintainability of the petition on the ground that the Amendment Act of 2010 has been repealed by the Government of India by Repealing & Amendment Act of 2016, which repeals the Industrial Disputes (Amendment) Act of 2010 along with other Acts. Since the Amendment Act which provided that petition could be filed directly in the cases mentioned in the Amendment, has been repealed, the petition which has been filed directly and not by way of reference will not be maintainable. A Preliminary point was also framed in this respect vide order dated 13.01.2025, which</p>	
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	<p>was as follows –</p> <p><i>Whether, the present petition is not maintainable in the light of Repealing & Amendment Act, 2016?</i></p> <p>It was further ordered that since this issue is a pure question of law, it will be heard and decided as preliminary issue.</p> <p>As the record speaks, on 28.01.2025, the workman was present but his Learned Counsel was not present. After hearing Learned Counsel for the Management, the proceedings of this case was stayed on the ground that, same controversy was been heard by Indore Bench of Hon'ble High Court M.P. in W.P. No. 3197/2024 and connected writs and Judgments was likely to be pronounced in near future. It also comes out that in another case, W.P. No. 29381/2023, the same point was under consideration before Hon'ble High Court and proceedings had been stayed.</p> <p>Thereafter, Learned Counsel for the Applicant Workman filed the present petition seeking to recall the order staying the proceedings of the case in hand on the ground that this order was passed without giving the Learned Counsel for the Applicant Workman an opportunity of hearing.</p> <p>Learned Counsel for the Applicant Workman has submitted that, the Amendment Act of 2010 made some amendments in the Industrial Disputes Act, 1947 which was incorporated in the parent statute itself i.e. in the Industrial Disputes Act, 1947. Thereafter, the Amendment Act lost its purpose</p>	

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	<p>because after incorporation of the said Amendment in the parent statute, it was simply duplication of provisions. Keeping view in this point, the Amendment Act of 2010 was repealed along with other similar Acts by the Repealing and Amendment Act of 2016. Learned Counsel further submits that, since the Amendment has been incorporated in the parent statute, the Amendment Act of 2010 has lost its relevance, its existence or non-existence does not change the situation and the petition will be maintainable. He has referred to Judgment of Hon'ble High Court of Kolkata in the case <i>W.P. No. 8913/2021 Krishnadas Bhattacharjee V.s. State of West Bengal and others and connected writs</i>. In this case, Single Bench of Hon'ble High Court of Kolkata has after analyzing various Judgments in this respect, held that since the Amendment has been incorporated in the parent Act i.e. the Industrial Disputes Act, 1947, this amendment will not be washed out from the parent Act on the ground that it has been repealed by the Repealing Act of 2016. Reference of Judgment of Hon'ble Supreme Court in the case of Maharashtra State Road Transport Corporation V.s. State of Maharashtra & others (2003) 4 SCC 200 has been taken by the Hon'ble Supreme Court in support of its view that, when the Amendment has been incorporated in the Parent Act, the repealing of the Amendment Act will have no effect.</p> <p>Learned Counsel for the Management has referred to</p>	

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	<p>Judgment of Hon'ble High Court of M.P. at Indore in W.P. No. 5616/2025 Udamee Ram V.s. Factory Manager in which it has been held that since by way of Repealing and Amendment Act, 2016, the entire amended provisions of Section 2 & 3 have been detailed from the statute. The Workman could not independently approach to the Industrial Court/Tribunal. With utmost regard to Hon'ble High Court, it is to be mentioned here that the case has been decided without considering the judgment of the Hon'ble Supreme Court in the case of Maharashtra State Transport Corporation (supra) Hence, it is more appropriate for this Tribunal to be guided by the Judgment of Hon'ble Supreme Court on this point.</p> <p>On the basis of above discussion, the recall application is allowed, the order dated 30.06.2025, staying the proceeding of the case is recalled. The Case will proceed before this Tribunal. This order also disposes the preliminary issue with regard to maintainability of the petition. The petition is held maintainable before this Tribunal on the basis of the aforesaid decision.</p> <p>List on _____ for evidence of the Workman.</p> <p style="text-align: center;">Presiding Officer</p>	