

ORDER SHEET
CENTRAL GOVT. INDUSTRIAL TRIBUNAL CUM LABOUR COURT,
JABALPUR(MP)


CASE NO. CGIT/LC/RC-12-2017

Date of order of proceeding	Order or proceeding with signature of Presiding Officer	Signature of parties or pleaders where necessary
1-9-2022	<p>Taken up.</p> <p>Learned counsel for the Management Mr. R.B.Tiwari pressed his preliminary objection regarding maintainability of the petition.</p> <p>Heard and perused the record.</p> <p>A reference on the basis of same dispute between the same parties seeking same relief is pending with this Tribunal which is case No. R-1/22. Since in both the cases the dispute and the parties are the same, hence the present case is amalgamated with the reference cases R-1/22.</p> <p>A copy of this order be placed on the file of the reference case as mentioned above.</p> <p>The Management has also taken plea of limitation in entertaining the dispute/reference. Both the parties have been heard at length on this point and the record has been perused by me. The Reference has been made regarding order dated 5-9-2017 passed by Hon'ble High Court of M.P.Jabalpur in Writ Petition No.10143/2014 and connected writs, wherein it has been directed that the Labour Commissioner will not dismiss the dispute only on the ground of limitation, if the dispute is raised by way of petition within four weeks from the date of this order.</p> <p>According to the learned counsel for the Management, the dispute was raised beyond the time limit provided by Hon'ble High Court, hence it should have been dismissed. It comes out that this order was for the Labour Commissioner and not for this Tribunal. Secondly</p>	

Industrial Dispute Act, 1947 does not provide for limitation. Thirdly limitation is a mixed question of fact and law to be decided after evidence. Hence the reference/petition cannot be dismissed, is not maintainable at this stage, on the ground of limitation and this prayer stands disposed accordingly.

The Management is directed to file written statement of defense with all the documents on which it relies and affidavit of its witness after giving copy to workman side within two weeks from day. Rejoinder, if any within two weeks thereafter.

List the case on 01-11-22 for admission/denial of documents.


PRESIDING OFFICER