

Rajiv Agarwal Vs. Union of India

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Court : Delhi

Decided On : Nov-02-1993

Reported in : 1993IVAD(Delhi)826; 1994(28)DRJ159

Judge : G.C. Mittal and; Dalveer Bhandari, JJ.

Acts : [Industrial Disputes Act, 1947](#) - Sections 7

Appeal No. : Civil Writ Appeal No. 1332 of 1992

Appellant : Rajiv Agarwal

Respondent : Union of India

Advocate for Pet/Ap. : Ashok Aggarwal,; Madan Lokur and; S.K. Mahajan, Advs

Judgement :

Dalveer Bhandari, J.

(1) On a consideration of the matter, we are of the view that the reference made to the Industrial Tribunal or the Labour Courts constituted under the provision of [Industrial Disputes Act, 1947](#), should be dealt with the members of the Delhi Higher Judicial Services and not by the members of the Delhi Judicial Service as we are aware that in most of the States of the country, such like tribunals are being manned by the members of the Higher Judicial Service.

(2) A similar matter relating to the constitution of Motor Accident Claims Tribunals in Delhi came up before the court in C.W. 2887/91 Hi Lawyers Forum for civil liberties v. Union of India and by order dated 4.12.1991, this court issued a direction to the Government of India that the Motor accident claims in Delhi should be manned by the members of Delhi Higher Judicial Service. That order was carried out by Union of India.

(3) In this case we have been waiting for the Union of India to make the order itself but despite several opportunities nothing has been done and we are contained to order that the respondent should make changes in the rules, if necessary, and make provision for the decided of the references made by the Government whether to the Industrial Tribunal or the Labour Courts that such references should be decided by the members of Delhi Higher Judicial Service. As and when information is furnished to the number of officers required for this purpose, this court will make available members of the Delhi Higher Judicial Service to man those . Tribunals. In this behalf, the respondent should take immediate steps and as far as possible, the decision should be taken up within two months from today.

(4) With this order and direction, the writ petition stands disposed of