

Bharat Electronics Workers Union Vs. Bharat Electronics Ltd. and Ors.

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Court : Supreme Court of India

Decided On : Aug-29-2016

Judge : Kurian Joseph and Rohinton Fali Nariman

Appellant : Bharat Electronics Workers Union

Respondent : Bharat Electronics Ltd. and Ors.

Judgement :

NON-REPORTABLE IN THE SUPREME COURT OF INDIA CIVIL APPELLATE JURISDICTION CIVIL APPEAL NO.8389 OF2016(Arising out of SLP (C) No.24606 of 2016) BHARAT ELECTRONICS WORKERS UNION APPELLANT VERSUS BHARAT ELECTRONICS LTD. AND ORS. RESPONDENTS

JUDGMENT

KURIAN, J.

Issue notice.

2. Mr. Sanjay Kapur, learned counsel waives notice on behalf of respondent Nos. 1 & 2.
3. Leave granted.

4. As per order dated 16.09.2015 in LPA No.590 of 2014 (O & M), the High Court of Punjab and Haryana had ordered the following:

.... Consequently, we hold that the reference as framed, is contrary to the standing orders and, therefore, not tenable. The reference is set aside but with liberty to the appropriate Government (Government of India, Ministry of Labour) to take a fresh decision in accordance with law, after considering the grievance of the workmen, which in our prima facie opinion may relate to the nature of the transfer orders and not to the absence of a policy and also objections, if any, that may be raised by the appellants, within a period of six weeks from the date of receipt of certified copy of this order. During this period, transfer orders shall remain in abeyance. The impugned order is, therefore, set aside and the appeal is allowed in the above terms.

- 2 - 5. We are informed that pursuant to the order passed by the High Court, a fresh Reference has been made to the Central Government Industrial Tribunal, Chandigarh on 01.02.2016 and the same is pending before the said Tribunal.

6. Mr. Sanjay Kapur, learned counsel appearing for respondent Nos. 1 & 2 points out that during this period, 11 out of 15 workmen had already joined their new work place and only 4 are yet to join.

7. In the above factual matrix, we do not propose to go into the validity of the impugned order passed by the High Court by which the High Court has declined to grant any stay of transfer.

8. We direct the Central Government Industrial Tribunal, Chandigarh to dispose of the Reference and pass an award expeditiously and at any rate within a period of four months.

9. Till the Reference is answered, the status quo, as on today, with regard to the place of work of the remaining 4 workmen, shall be maintained.

10. We record the submission of the learned counsel appearing for both sides that the parties would co-operate with the Tribunal for the expeditious disposal of the Reference.

11. With the above observations, the appeal is disposed of.J.

[KURIAN JOSEPH].J.

[ROHINTON FALI NARIMAN]. NEW DELHI; AUGUST 29 2016

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