Court No. - 66
Case :- WRIT - C No. - 21152 of 2020
Petitioner :- Vashishth Rai
Respondent :- State Of U.P. And 4 Others
Counsel for Petitioner :- Sanjay Mani Tripathi
Counsel for Respondent :- C.S.C.

Hon'ble J.J. Munir,J.

On 07.12.2020, the following order was passed:

"The Presiding Officer, Labour Court, Gorakhpur shall explain as to why Adjudication Case No. 144 of 2009, Vashishth Rai vs. Executive Engineer, Prantiya Khand, Public Works Department, Kushi Nagar and others, is pending for the last 12 years. He will bear in mind that industrial adjudication is designed, amongst others, to prevent breach of industrial peace. It will be no explanation that the Presiding Officer has taken over recently. The entire course of proceedings have to be explained and also indicated in the explanation-cum-comments the expected time required to dispose of the adjudication case.

Lay this matter as fresh again on 10.12.2020.

Let this order be communicated to the Presiding Officer, Labour Court, Gorakhpur, District Gorakhpur by the Joint Registrar (Compliance) today"

In compliance with the said order, Mr. Dhirendra Pratap Singh, Presiding Officer, Labour Court, U.P., Gorakhpur, has submitted his explanation/report dated 18.12.2020, which reveals a very disturbing state of affairs about organization/function/infrastructure for dispensation of justice under the Industrial Disputes Act. The material part of the report reads thus:

श्रम न्यायालय, गोरखपुर में वर्तमान में कुल 1291 वाद सुनवाई हेतु विचाराधीन है। श्रम न्यायालय, गोरखपुर बतियाहाता स्थित एक आवासीय भवन में संचालित हो रहा है, जिसमें एक कोर्ट कक्ष एवं एक पीठासीन अधिकारी का कक्ष एवं एक कार्यालया रूम उपलब्ध है। इसी भवन मे औद्योगिक न्यायाधिकरण–6 उत्तर प्रदेश भी संचालित हो रहा है, जिसमें भी पीठासीन अधिकारी एवं कार्यालय स्टाफ कार्यरत हैं। एक कोर्ट रूम एवं एक कक्ष होने के कारण दोनों न्यायालय एक साथ संचालित नहीं हो पा रहे थे, और इस कारण पूर्व पीठासीन अधिकारियों द्वारा श्रम न्यायालय, को तीन दिन एवं औद्योगिक न्यायाधिकरण–6 को सुनवाई हेतु दो दिन सुनिश्चित किया गया था। इस प्रकार सप्ताह में मात्र तीन दिन श्रम न्यायालय को सुवनाई हेतु कोर्ट रूम उपलब्ध हो पाता है और इस कारण वादों में तिथियॉ लंबी देनी पड़ती हैं।

पीठासीन अधिकारी के रूप में मेरी नियुक्ति दिनांक 16.10.2020 को हुई है, और मेरे द्वारा दिनाक 22.10.2020 को कार्यभार ग्रहण किया गया। कोविड–19 के कारण प्रतिनिधियों द्वारा अवगत कराया गया कि आवागमन के साधन सुलभ नहीं हैं, इसलिए अधिकतर पक्षकार उपस्थित नहीं हो पा रहे है। और 12 X 10 कोर्ट कक्ष में कोविड–19 के सबंध में जारी सुरक्षा निर्देशों का एवं सामाजिक दूरी का पालन करा पाना संभव नहीं था तथा प्रतिनिधियों द्वारा भी अवगत कराया गया कि पीठासीन अधिकारी का पद रिक्त होने के पश्चात पुनः पीठासीन अधिकारी के कार्यभार ग्रहण करने के पश्चात कार्यवाही के दौरान अनुपस्थित पक्षकारों को समन/सूचना प्रेषित कर तिथि सूचित किया जाना चाहिए। वर्तमान में मेरे द्वारा उपस्थित पक्षकारों के वादों में सुनवाई की जा रही है और अनुपस्थित पक्षकारों

को समन/सूचना प्रेषित कर निश्चित तिथि पर सुनवाई हेतु आहूत किया जा रहा है।

The Labour Courts and the Tribunals are organized to dispense cheap and effective justice to a class of citizens, who do not have all the resources commanded by the better endowed in society. These also have a larger purpose to serve. These Courts and Tribunals have an indispensable role in maintaining industrial peace. For the adjudication of civil disputes, the establishment of regular Courts is distrusted both by the State and the Society at large on ground that regular Courts rendered delayed justice. These Labour Courts are special Tribunals/Courts upon which the State and the Society both pin great hopes. In fact, there appears to a belief that the Special Court/Tribunals, may be a solitary one, who take up functions of established courts of judicature would be able to do wonders. The condition of the Labour Court, U.P., Gorakhpur shows that the Labour Court and the Industrial Tribunals together are functioning in a private house. They have a single courtroom and a single chamber to serve the Presiding Officers, Labour Court and the Industrial Tribunal, both. The result is that the Labour Court and the Industrial Tribunal sit in the same courtroom and the Presiding Officers make it convenient in the same chamber on different days of the week. This is the state of affairs for the dispensation of justice to workmen, who approach these fora under the Industrial Disputes Act/U.P. Industrial Disputes Act.

Let the Principal Secretary, Ministry of Labour, U.P., Lucknow submit a report within one week as to what steps can be taken immediately to remedy the situation for the Labour Court/Industrial Tribunals at Gorakhpur. Steps are to be clearly indicated that would restore the Labour Court/Industrial Tribunals at Gorakhpur to normal functioning of the Court throughout the week. Particularly, the almost non existent infrastructure has to be immediately restored and suggestions in this regard must be reported to this Court.

Let this matter come up on 17.12.2020 at 02:00 p.m. in the

additional cause list.

Let this order be communicated to the Principal Secretary, Ministry of Labour, U.P., Lucknow by the Joint Registrar (Compliance) **within 24 hours.**

Order Date :- 10.12.2020
Deepak