

Government of Jammu and Kashmir
Labour and Employment Department
Civil Secretariat, Jammu.

Notification

Jammu, the 28th March, 2021

so. 104 Whereas, Shri Sandeep Kumar Sharma (claimant) has filed an application dated 18.11.2019 against the management of M/S Amar Ujala Publications Ltd., for recovery of dues, under section 17(1) of the Working Journalist and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 (45 of 1955); and

Whereas, the claimant demanded the dues of Rs. 37,61,297/- including interest under the Majithia Wage Board recommendations from the management; and

Whereas, the management challenged the present claim of the applicant on the pretext that, he was working in supervisory category and hence the category of the supervisor is not covered under the definition of working journalist as defined in the Working Journalist and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955; and

Whereas, claims and counter claims of the both the parties were scrutinized at length by the Authority under section 17(1) of the Act, and the authority came to the conclusion that amount claimed by the claimant is not settled claim and recovery proceedings cannot be initiated as per the provisions of Section 17(1) of the Working Journalist and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955. Thus, the question of payment of the claimed amount is required to be adjudicated by the Hon'ble Labour Court/Tribunal as per the provisions of Section 17(2) of the Act; and

Whereas, the Government considers it desirable to refer the said dispute to the Labour Court/Tribunal for adjudication.

Now, therefore, in exercise of the powers conferred by clause (c) of sub-section (1) of Section 10 of the Industrial Dispute Act, 1947 (XIV of 1947), the Government hereby refers the said dispute to the Labour Court for adjudication on the following issues:-

1. Whether the claimant is covered under the definition of working journalist as defined in the Working Journalist and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955? If yes



2. Whether the claimant is entitled for claim as per the recommendations of the Majithia Wage Board and if yes, then upto what extent he is entitled for?

By order of the Government of Jammu and Kashmir.

(Sd-)
Commissioner/Secretary to Government
Labour & Employment Department.

No: L&E/Legal/02/2021

Dated: 23.03.2021

Copy to the

1. Secretary to Government, Department of Law, Justice and Parliamentary Affairs.
2. Labour Commissioner, J&K, Srinagar.
3. Director Information, J&K, Jammu with the request to publish the SO in the next local dailies of Jammu.
4. General Manager, Government Press, Srinagar for its publication in the next issue of Government Gazette.
5. Presiding Officer, Industrial Tribunal/Labour Court, J&K Jammu alongwith full case/leaves in original.
6. Assistant Registrar, J&K, High Court, Jammu.
7. Deputy Labour Commissioner, Jammu.
8. Assistant Labour Commissioner (Conciliation Officer), Jammu.
9. Stock file (w.2.s.c.).


Deputy Secretary to Government
Labour & Employment Department.

23.3.21