

**Government of Jammu and Kashmir
Labour and Employment Department
Civil Secretariat, Srinagar/Jammu**

**Notification
Jammu, the^{31st} March, 2023**

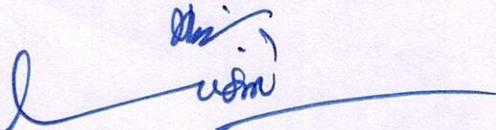
S.O.¹⁷⁸..... Whereas (1) Ghulam Mohi ud din Sheikh S/o Mohammad Sultan Sheikh R/o Chandarigam, Tral, Pulwama (2) Mohammad Lateef Bhat S/o Mohammad Akram Bhat R/o Ratnipora, Pulwama and (3) Farooq Ahmad Sheikh S/o Gh. Mohammad Sheikh R/o Saimoh Tral, Pulwama, filed an application under Section 12(4) of the Industrial Dispute Act 1947, before the Conciliation Officer (Assistant Labour Commissioner, Pulwama) against the Management of HPCL- (1) General Manager, HPCL, Laxmi Nagar, New Delhi, (2) Regional Manager, HPCL, Gandhi Nagar, Jammu, (3) Depot Manager, HPCL, Pampore, Pulwama and (4) Mohammad Aslam Prop. M/s Global Engineering Work C/o Pampore Plant, wherein they had submitted that they were engaged as unskilled labourers in the year 2002, 2011 and 2006 respectively; but for the unknown reasons the non applicants issued termination orders in respect of applicants in the month of November 2020.

Whereas, after hearing the case and perusal of application, objections filed by the respondents, the conciliation officer tried to resolve the matter as per conciliation process but the Parties were not ready to settle the matter thereby resulting into failure of the conciliation process".

Whereas, the Labour Commissioner has examined the failure report and has recommended adjudication of the case by the J&K Industrial Tribunal cum Labour Court under section 12 (4) of the Industrial Disputes Act, 1947.

Whereas, the Government is of the opinion that an Industrial Dispute exists between the Applicants and Respondents and consider it desirable to refer the dispute to the Labour cum Industrial Tribunal Court, Srinagar for adjudication.

Now, therefore, in exercise of the powers conferred under clause (c) of sub-section (1) of section 10 of the Industrial Dispute Act, 1947 (XIV of 1947), the



Government hereby refer the said dispute to the Industrial Tribunal cum Labour Court, Srinagar for adjudication on the following issues:-

- i. Whether the termination of the applicants is legal or illegal?
- ii. Whether the non applicant has followed the due procedure for retrenchment?
- iii. Whether the applicants are entitled to be reinstated with the back wages?
- iv. Whether any reference is required to be made to the Board, Labour Court, Tribunal or National Tribunal?

By order of the Government of Jammu and Kashmir.

Sd/-
(Sarita Chauhan) IAS
Commissioner/Secretary to the Government

No. L&E/Legal/69/2022

Dated: 31.03.2023

Copy to the:

1. Secretary to Government of India, Ministry of Labour and Employment, Shram Shakti Bhawan, New delhi-110001.
2. Principal Secretary to the Hon'ble Lieutenant Governor, J&K.
3. Joint Secretary (J&K and Ladakh), Ministry of Home Affairs, Government of India.
4. Secretary to Government, Department of Law, Justice and Parliamentary Affairs.
5. Labour Commissioner, J&K, Srinagar/Jammu with the request for providing physical file/leaves in Original along with this S.O to Presiding Officer, Industrial Tribunal/Labour Court, J&K Jammu for further action at their end.
6. Director Information, J&K, Jammu with the request to publish the S.O. in the leading local newspapers of Srinagar/Jammu.
7. General Manager, Government Press, Srinagar/Jammu for its publication in the next issue of Government Gazette.
8. Presiding Officer, Industrial Tribunal/Labour Court, J&K Jammu along with full case details/leaves in original.
9. Assistant Registrar, J&K, High Court, Jammu.
10. Deputy Labour Commissioner, Jammu.
11. Private Secretary to Commissioner/Secretary to Government, Labour and Employment Department.
12. I/C Website (L&E).
13. SRO file/stock file (w.2.s.c.)


(Nisar Ahmad Shad) JKAS
Deputy Secretary to the Government
31.03.23