



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

Notification

Srinagar, the 21<sup>st</sup> May, 2018

**SRO-223** Whereas, the applicant Mr. Naresh Kumar filed an application before the Conciliation Officer (Assistant Labour Commissioner) Jammu, stating therein that he had been working with M/s Jamkash Vehicleades Pvt. Ltd. Opp. Channi Himmat, Jammu for the last 16 years as a mechanic; and

Whereas, Mr. Naresh Kumar further stated that General Manager vide order dated 4.9.2017 transferred him, with malafide intention from Jammu to Poonch; and

Whereas, Mr. Naresh Kumar stated that he submitted a representation against the said order because it was against the terms and conditions of the employment and had been passed with an intention to harass him and in the absence of service rules, as there are no service rules or transfer policy or certified standing order. He further alleged that General Manager was not competent to pass a transfer order; and

Whereas, Mr. Naresh Kumar raised a dispute before the Conciliation Officer (Assistant Labour Commissioner), Jammu, against M/s Jamkash Vehicleades Pvt. Ltd. Opp. Channi Himmat, Jammu under Industrial Dispute Act, 1947 with a prayer that his transfer order may be set aside and direction be passed to respondent to allow him to resume his duty with full back wages and continuity of the service; and

Whereas, efforts were made by the Conciliation Officer, (Assistant Labour Commissioner), Jammu to settle the dispute between parties but in view of the contrasting and conflicting stances of disputing parties, the same could not be settled; and

Whereas, the Conciliation Officer (Assistant Labour Commissioner), Jammu has submitted his report regarding failure of conciliation proceedings with the request that the case may be referred to the Industrial Tribunal/Labour Court for adjudication; and

Whereas, the Government after examination of the case in  
opinion that an Industrial dispute exists between Mr. Naresh Kumar, Naresh  
and the M/s Jamkash Vehicleades Pvt. Ltd. Opp. Channi Himmat,  
through its Managing Director/General Manager; and

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

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

1. Whether employer Jamkash Vehicleades Pvt. Ltd. Opp. Channi Himmat, Jammu, was in terms and conditions of the employment  
Competent to transfer the applicant Naresh Kumar? and
2. If it is proven that the transfer wasn't covered by terms and  
conditions of employment and the rules and was made with  
malafide intentions, what relief the applicant is entitled to?

By order of the Government of Jammu and Kashmir.

Sd/-  
(Kifayat Hussain Raza)  
Commissioner/Secretary to the Government

No L&E/Lab/29/2018

Dated: 21/05/18

Copy to the:-

1. Advisor to Hon'ble Chief Minister, J&K.
2. Secretary to Government, Department of Law, Justice and Parliamentary  
Affairs.
3. Labour Commissioner, J&K, Srinagar.
4. Director Information, J&K, Srinagar with the request to publish  
notification/SRO in leading english dailies one each from Jammu/Kashmir  
next issue of the Government Gazette.
5. General Manager, Government Press, Srinagar for its publication in  
next issue of the Government Gazette.
6. Presiding Officer, Industrial Tribunal/Labour Court, J&K Srinagar along with  
full case/leaves in original.
7. Assistant Registrar, J&K High Court, Jammu.
8. Deputy Labour Commissioner, Jammu.
9. Assistant Labour Commissioner (Conciliation Officer), Jammu.
10. Private Secretary to the Hon'ble Minister for Labour and Employment,  
and Employment Department.
11. Private Secretary to Commissioner/Secretary to the Government, Labour  
and Employment Department.
12. SRO file (w.2.s.c)
13. Stock file.

  
(Dr. Irfan Ali Khan)  
Under Secretary to the Government  
18/5