GOVERNMENT OF INDIA
LABOUR AND EMPLOYMENT
LOK SABHA

UNSTARRED QUESTION NO:3886
ANSWERED ON:17.12.2012
PENDING CASES IN LABOUR COURTS
Das Shri Ram Sundar;Karwariya Shri Kapil Muni

Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

(a) whether the number of labour courts and tribunals functioning in the country is sufficient;

(b) if so, the details thereof along with the details of the pending cases in the said courts during the last three years and the current year along with the reasons for delay in disposing them;

(c) the steps taken by the Government to ensure speedy disposal of the said cases;

(d) whether the Government is aware of such instances wherein employers are not complying with the orders of the said tribunals; and

(e) if so, the reaction of the Government thereto?

Answer

MINISTER OF STATE FOR LABOUR AND EMPLOYMENT (SHRI KODIKUNNIL SURESH)

(a) Yes, Madam. As per the provisions of Industrial Disputes Act, 1947, the Central Government has set up 22 Central Government Industrial Tribunals-cum-Labour Courts (CGIT-cum-LCs) in various states for resolution of industrial disputes arising in Central Sphere.

The details in respect of Labour Courts and Industrial Tribunals falling in the State Sphere are not maintained centrally.

(b) The details of these Central Government Industrial Tribunals-cum-Labour Courts and cases pending in them for the last three years and the current year are at Annexures I, II, III & IV. The reasons for delay in disposal of cases include:

(i) Absence of affected parties at the time of hearing;

(ii) Seeking of frequent adjournments by the parties to file documents;

(iii) Parties approaching the High Courts or Supreme Court challenging orders of reference issued by the appropriate government as well as orders issued by the Tribunals on preliminary points;

(iv) Unwillingness of parties to come forward for getting their cases settled in Lok Adalats.

(c) Following steps have been taken for speedy disposal of cases in CGIT-cum-LCs:

(i) A Scheme of Holding of Lok Adalats as an "Alternative Grievance Redressal Mechanism" for speedy disposal of industrial disputes has been made indispensable part of the adjudication system from XI Plan;

(ii) A system of link officers amongst Presiding Officers has been introduced to ensure that the judicial work of the CGIT-cum-LCs does not suffer when the post of regular Presiding Officer is vacant due to administrative exigencies;

(iii)Process of appointment to the Post of Presiding Officer is initiated about eight months in advance so that the successor to a serving presiding officer is selected by the time of completion of his tenure in a CGIT-cum-LC;

(iv) Presiding Officers of CGIT-cum-LCs have been advised to hold camp courts; and

(iv) Conference of Presiding Officers is held from time to time to explore strategies for speedy and effective disposal of cases.

(d): Yes, Madam.

(e): Orders passed by the CGIT-cum-LCs are notified in the official gazette and are binding on the employers. In majority of cases, the employers implement the orders of the Labour Courts. However, in case an award is not implemented, the worker can approach the Labour Department of the appropriate Government for implementation of the Award. The implementing authority, after following due process of law, prosecutes the employers under section 29 of the Industrial Disputes Act, 1947 for not implementing the Award/Order

of the CGIT-cum-LCs.

Further, Section 11 of the Industrial Disputes Act, 1947 has been amended whereby every award made, order issued or settlement arrived at by or before Labour Court or Tribunal or National Tribunal shall be executed in accordance with the procedure laid down for execution of orders and decree of a Civil Court under order 21 of the Code of Civil Procedure, 1908. Also, the Labour Court or Tribunal or National Tribunal shall transmit any award, order or settlement to a Civil Court having jurisdiction and such Civil Court shall execute the award, order or settlement as if it were a decree passed by it.