

Z - 13025/08/2019-IR (Imp.I)
Government of India / भारत सरकार
Ministry of Labour and Employment / श्रम एवं रोजगार मंत्रालय

Sharam Shakti Bhawan, Rafi Marg,
New Delhi, the 06th August, 2021

OFFICE MEMORADUM

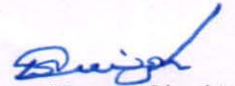
Subject: Procedure for Screening appeals filed by Public Sector Undertakings against awards of Labour Courts or Central Government Industrial Tribunals – Reg.

The undersigned is directed to refer to this Ministry's Memorandum no. 3/25/64-I&E (1-5) dated 08th August, 1964 wherein a procedure to screen appeals filed by Public Sector Undertakings (PSUs) against awards of Tribunals etc. was circulated to all employing Ministries. This procedure required due consultation with Law Ministry and Labour Ministry by the Administrative Ministry, before filing any appeal against the award or judgment of Labour Court/ Tribunal, High Court etc.

2. The said Screening Procedure was evolved to reduce the unwarranted litigations in higher courts. However, it has been observed that the Screening Procedure has not met its desired objective. Therefore, after due consultations with the concerned Central Ministries, it has now been decided, with the approval of the Competent Authority, to discontinue the said screening procedure for screening appeals filed by Public Sector Undertakings against awards of Labour Courts/ Tribunals. Accordingly, the Screening Procedure circulated by this Ministry vide Memorandum no. 3/25/64-I&E (1-5), dated 08th August, 1964, Office Memorandum no. H-52027/8/99-IR (Imp.I) dated 19th March, 1999 and Letter no. Z-13025/08/2019-IR (Imp.I), dated 08th November, 2019 is discontinued with immediate effect.

3. However, PSUs may set up their own Screening Committees to screen the appeals and, in case of policy matters, may consult the concerned Administrative Ministry before taking a decision in the matter.

4. This issues with the approval of the competent authority.



(Arun Kumar Singh)

Deputy Secretary to the Government of India

To

The Secretary,
All Ministries/Departments,
Government of India

Copy to:

1. CEO, NITI Ayog, Sansad Marg, New Delhi
2. Chief Labour Commissioner (Central), M/o Labour and Employment, New Delhi
3. Director (Labour), Prime Minister Office, South Block, New Delhi
4. Director (Cabinet), Cabinet Secretariat, Rashtrapati Bhawan, New Delhi
5. PS to Hon'ble Minister, M/o Labour and Employment
6. PPS to Secretary, M/o Labour and Employment

No.Z-13025/08/2019-IR(Imp-I)
Government of India
Ministry of Labour & Employment

Shram Shakti Bhawan, Rafi Marg,
New Delhi, dated 08th November, 2019

To

✓ The Secretary,
All Central Ministries
Including Ministry of Railways

Subject: - **Procedure for Screening before filing appeals filed by Public Sector Undertakings against Awards of Labour Courts/ Central Government Industrial Tribunals – Reg.**

Sir,

I am directed to refer the subject mentioned above and to say that this Ministry vide Office Memorandum No. H-52027/8/99-IR (Imp.I) dated 19.3.99 had circulated the Procedure for Screening among all the Central Ministries for strict compliance of the same. However, many instances have come to the notice of this Ministry wherein Public Sector Undertakings have challenged the CGIT Awards in higher courts without obtaining permission from the Government, which is required under Screening Procedure.

2. Salient points of the Screening Procedure as approved by the Committee of Economic Secretaries in its meeting held on August 01, 1964 vide para 6 are as follows;

- a. Whenever a public sector undertaking desires to file an appeal from an award or judgement of a Labour Court/ Tribunal, High Court, etc. it should first make a reference with the facts of the case to the administrative ministry concerned;
- b. If the administrative Ministry, after consulting the Law Ministry, also feels that an appeal should be preferred it should consult the Labour Ministry; and
- c. Where the administrative Ministry and the Labour Ministry do not agree, the matter should be placed before the Economic Secretaries.

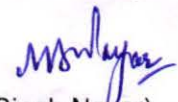
It is also necessary to ensure that all this examination and consultation is done expeditiously within the period of appeal after the lower Court's verdict, so that the appeal if preferred does not get time-barred.

3. Copies of OM dated 08.08.1964 and 19.03.1999 are enclosed for reference. It is requested that the Screening Procedure in the cases pertaining to awards of Labour Court/ CGITs may be strictly adhered to.

4. This issues with approval of the Competent Authority.

✓ Encl.: As above.

Yours faithfully,



(Manjit Singh Nayar)

Deputy Secretary to the Government of India

✓
14/11/19

o/c
N.O.O. - The Chief Labour Commissioner (C), New Delhi -
for information.

No.H-52027/8/99-IR(Imp.I)

GOVERNMENT OF INDIA
MINISTRY OF LABOUR.....
New Delhi, dated 19.3.99OFFICE MEMORANDUM

Subject: Industrial Disputes procedure for screening appeals filed by Public Sector Undertakings, Railways, Banks against Awards of Tribunals etc. - Government approval regarding Instructions

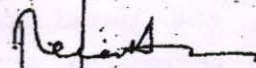
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I am to refer to the above subject reiterating Government's instructions to ensure that the Public Sector Undertakings should comply with the screening procedure before challenging the Award of the Industrial Tribunals etc. Instances have come to the notice of the Ministry wherein instructions have not been strictly followed by the various Ministries and Award of Industrial Tribunals have been challenged by way of filing Writ Petitions in the various High Courts before obtaining the permission from the Government, under the screening procedure. According to this procedure as approved by the Committee of Economic Secretaries in its meeting held on August 1, 1964, the Public Sector Undertakings are required to consult the Administrative Ministry concerned whenever they have to file an appeal challenging the Award of the Tribunal etc. The Administrative Ministries are invariably required to consult the Ministry of Law and Justice and Ministry of Labour before filing a Writ Petition in the High Court. If the Labour and the concerned Administrative Ministries do not agree with the decision, the matter is to be taken to the Committee of Economic Secretaries.

2. In view of the position stated above, it is once again reiterated that the instructions regarding obtaining the permission of the Government under Screening Procedure is compiled with strictly and prior permission is obtained under the Screening Procedure before challenging an Award of the Tribunal. Since the reference is to be made to the Ministry of Law and Labour before according permission of the Government, all Ministries are requested to refer the cases well in advance and take necessary steps to ensure that the permission is taken well in time.

3. In order to assess the proper working of this procedure it is requested that all the Employing Ministries circulate this information to their Public Undertakings and Banks under their control and adhere to this procedure strictly.

The receipt of this Office Memorandum may please be acknowledged.



(PADMA BALASUBRAMANIAN)

JOINT SECRETARY

To,

All Central Ministries
including Ministry of Railways.

(15)

No. 3/25/64- I&E (1-5)
Government of India
Ministry of Labour & Employment

Shram Shakti Bhawan, Rafi Marg,
New Delhi, Dated the 08th August, 1964.

MEMORANDUM

**Subject : Procedure for Screening Appeals filed by Public Sector
Undertakings against Awards of Tribunals, etc.**

The undersigned is directed to enclose a copy of a note submitted to the committee of Economic Secretaries as well as the decision of the committee.

2. It is accordingly requested that action may be taken as indicated in para 6 of the note as and when occasions arise.
3. All undertakings under the control of the Ministry may also be informed about this procedure.

Sd/-

Deputy Secretary to
the Govt. of India.

To,

All the employing Ministries,
(List Attached).

Procedure for screening appeals filed by public sector undertakings against awards of tribunals, etc.

The present labour policy is to avoid litigation in labour disputes as far as possible, and to encourage settlements by mutual negotiations, conciliation and arbitration. Cases are referred to adjudication only by Government, where mutual negotiations fail and the dispute cannot be otherwise settled.

2. Whereas reference to adjudication at the initial stage is carefully considered and decided by Government, there was until lately, no corresponding procedure for screening before the parties filed appeals against a lower court's judgement or award. This is often meant that one party or the other would keep on going in appeal to higher courts and the dispute tended to get prolonged over the years.

3. With a view to check this type of prolonged litigation and expenses, it was suggested to the employers' and workers' organisations by the Standing Labour Committee in 1958 that they should set up Screening Committees which would go into the merits of the proposed appeals considering all aspects of the dispute and advise their members in the light of their examination. While it is not intended to interfere with the legal right of a party to the dispute to file appeals, it is necessary to ensure, by a process of voluntary restraint, that such appeals are not filed when there are not sufficient grounds. That appeals are often filed without adequate grounds, was revealed by a study made in the Labour Ministry of the appeals filed in the Supreme Court during 1955-59. It was found that out of 286 cases filed by the employers, 181 or 62% were dismissed by the Supreme Court. The corresponding figure in respect of appeals filed by the workers was 96%.

4. All the three Central organizations of employers and the four organizations of workers have set up these Screening Committees. They have either formed new committees or utilized some at their existing Committees to act as Screening Committee.

5. In respect of the Public Sector some difficulty was experienced in forming a similar Screening Committee since there was no common organisation. It was initially suggested by the Labour Ministry to the Ministry of Industry that the Projects Co-ordination Committee might act as Screening Committee. The Ministry of Industry, however, have stated that the Projects Co-ordination Committee will not be a suitable instrument for this purpose and it is also not desirable to set up a new Committee. What is required is that the Public Sector Undertaking should be requested to consult the administrative Ministries

concerned whenever they wish to file such appeals and the administrative Ministries should invariably consult the Labour Ministry before advising the Undertakings one way or the other. If the two Ministries cannot agree on a decision the matter should be referred to the Economic Secretaries.

6. The Labour Ministry agrees with the above suggestion made by the Ministry of Industry and proposes the following procedures:

(a) Whenever a public sector undertaking desires to file an appeal from an award or judgement of a Labour Court / Tribunal, High Court, etc. it should first make a reference with the facts of the case to the administrative Ministry concerned;

(b) if the administrative Ministry, after consulting the Law Ministry, also feels that an appeal should be preferred it should consult the Labour Ministry, and

(c) Where the administrative Ministry and the Labour Ministry do not agree, the matter should be placed before the Economic Secretaries.

It will be necessary to ensure that all this examination and consultation is done expeditiously within the period of an appeal after the lower Court's verdict, so that the appeal if preferred does not get time-barred.

**Extracts of Minutes of the meeting of the Committee of Economic Secretaries
held on Saturday, August 1, 1964.**

Item 2. Procedure for screening appeals filed by Public Sector undertakings against awards of Tribunals, etc.

The Committee considered the note for the Ministry of Labour and Employment circulated on 30-07-1964 and recommended that the procedure recommended in para 6 of the note might be adopted.
