

Industrial Court Formation of Benches Rules, 2005

MADHYA PRADESH

India

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Rule

INDUSTRIAL-COURT-FORMATION-OF-BENCHES-RULES-2005 of 2005

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Industrial Court Formation of Benches Rules, 2005 Published vide Notification No. F. 4-E-2004-A-15, dated 27th May, 2005, M.P. Rajpatra (Asadharan), dated 27-5-2005, pages 444 (1-2) In exercise of the powers conferred by sub-section (6) of Section 9 of the Madhya Pradesh Industrial Relations Act, 1960 (No. 27 of 1960), the Industrial Court for the State of Madhya Pradesh, hereby makes the following Rules, namely :

1. Short title and commencement.

(1) These Rules may be called the "Industrial Court Formation of Benches Rules, 2005". (2) They shall come into force with effect from the date of their publication in the Madhya Pradesh Gazette.

2. Definitions.

- In these rules, unless the subject or context otherwise requires, -(a) 'Act' means the Madhya Pradesh Industrial Relations Act, 1960 (No. 27 of 1960); (b) 'Bench' means a bench constituted under these rules; (c) 'Court' means the Industrial Court as constituted under Section 9 of the Act; (d) 'Matter' means any application, appeal, petition, reference case or submission filed in or made to the Industrial Court under the provisions of the Act; (e) 'Member' means a member of the Industrial Court and includes the President; (f) 'Party' means the applicant, petitioner, appellant, opponent, respondent any employer or employee concerned in any application petition, appeal, submission or reference; (g) 'Petition' means any petition made to the Court under the Act or these Rules; (h) 'President' means the President of the Industrial Court; (i) 'Section ' means a section of the Act; (j) Words and expressions not defined in these Rules, shall have the meanings assigned to them under the respective Act.

3.

The President may constitute a Bench of one or more members to decide any of the matters filed in or referred to the Court and the Bench so constituted shall exercise the jurisdiction and the powers vested in the Court.

4.

The following matters shall ordinarily be heard and disposed of by a Bench consisting of two or more members, - (i) appeal under clause (b) of sub-section (1) of Section 65; (ii) appeal under clause (c) of sub-section (1) of Section 65; (iii) appeal under clause (d) of sub-section (1) of Section 65; (iv) reference on point of law or interpretation of the Act or Rules under Section 70 of the Act; (v) contempt of Industrial Court and Labour Court under Section 105;

5.

Save as otherwise provided by law or these Rules or by general or special orders of the President, all matters shall be heard and disposed of by a Bench of one member.

6.

Notwithstanding anything contained in these Rules, a member sitting alone in the long vacation as vacation Judge may exercise any or all of the powers of the Industrial Court.

7.

(1) A member sitting alone may refer any proceedings pending before him to the President with a recommendation that it be placed before a Bench of more than one Member when it involves a question of law of difficulty or importance. (2) In the proceedings referred to in sub-rule (1) the referring member may refer a stated question or questions or may ask that the proceedings be heard and decided by the Bench to which it is referred. If he refers a stated question or questions he shall dispose of the proceedings in accordance with the decision of the Bench on the question or questions referred to it.

8.

(1) A member sitting alone may refer any proceeding pending before him to the President with a recommendation that it be placed before a Bench of more than one member, if he considers that the decision in the proceeding involves reconsideration of a former decision of a member sitting alone. (2) In the proceedings referred to in sub-rule (1) the referring member shall refer a stated question or questions and shall dispose of the proceeding in accordance with the decision of the Bench on the question or questions referred to it.

9.

If at any time the President or the member is unable to function for any reason whatsoever, then notwithstanding anything contained in these Rules, the President or the member alone, as the case may be, shall have all the powers vested under these Rules in a Bench of more than one member.

10.

An application for review under Section 71 shall ordinarily be disposed of by the same Bench which heard the original matter sought to be reviewed, provided, however, that if any member or members of the Bench which disposed of the original matter has or have ceased to be member or members of the Court by retirement, transfer or otherwise, it shall be disposed of by a Bench consisting of the same number of members as the Bench which made the order sought to be reviewed.

11.

The President shall have powers to distribute the work amongst the Member Judges and shall have also powers to made over or recall or transfer any case suo motu or on application for disposal in accordance with law.

12. Repeal and Saving.

- Industrial Court Formation of Bench Rules, 1964, are hereby repealed in respect of matters covered by these rules :Provided that any order made or action taken under the Rules so repealed; shall be deemed to have made or taken under the corresponding provisions of these rules.