



2026:AHC-LKO:16074

**HIGH COURT OF JUDICATURE AT ALLAHABAD [AFR]
LUCKNOW**

WRIT - C No. - 1003583 of 2008

Food Corporation Of India Faiazabad Through
Its Area Manager

.....Petitioner(s)

Versus

Regional Labour Commissioner Central
Lko.And Ors.

.....Respondent(s)

Counsel for Petitioner(s) : Jaideep Narain Mathur, Sayed
Haseen, Shikhar Anand
Counsel for Respondent(s) : H.G.S. Parihar, Kumar Ayush, R.N.
Tilhari, Raj Kumar Singh

Court No. - 4

HON'BLE IRSHAD ALI, J.

1. Heard Shri Shikhar Anand, learned counsel for the petitioners and Shri Raj Kumar Singh, learned counsel for the respondents- Union of India.
2. Vide order dated 11.7.2019, this Court held that service of notice upon opposite party no.2 is deemed sufficient.
3. In view of the above, this Court is proceeding to decide the controversy involved in the present writ petition.
4. By means of the present writ petition, the petitioner is challenging the order dated 2.11.2006, 5.6.2008 and the recovery certificate dated 4.7.2008 passed by the opposite party no.1 in Conciliation Case No.LKO.8(2-31)/2005, enclosed as Annexure Nos.1 & 2 to the writ petition.
5. Factual matrix of the case is that the respondent no.2 filed several writ petition before this Hon'ble Court praying reinstatement of 255 workers with continuity of service and full back wages and also wages for the period 26.06,1998 to 19.08.1999. Vide order dated 4.10.2025, these writ petitions were disposed of with the direction to the petitioners to approach the concerned State or

Central for making reference for adjudication of dispute before appropriate Forum/ Industrial Adjudicator.

On 23/27.12.2007, respondent no.2 instead of approaching Industrial Tribunal/ Labour Court made representation before RLC (Central), Lucknow for conciliation proceedings. On 14.08.2006, petitioner filed preliminary objections before the RLC. The RLC without deciding the preliminary objection started conciliation proceedings in the matter relating to payment of wages to 77 workers w.e.f. 26.06.1998 to 18.08.1998. The petitioner never accepted any compromise nor made any commitment an order was passed by the opposite party no.1 without having any power for determination of dispute the petitioner to pay wages to the 77 workers.

The application for recall of the order dated 2.11.2006 was rejected by the opposite party no.1 vide order dated 5.6.2008. The opposite parties did not take any decision regarding the revision/ modification of the drawings submitted by the petitioner but instead the Director, C&DS arbitrarily and unilaterally modified the agreement and took 7 works from the petitioner out of the total 17 works granted by the agreement and also asked to show cause as to why the agreement not be terminated on the ground that it had not completed the work as per the terms of agreement vide order dated 4.7.2008 and recovery was issued on 4.7.2008.

6. Submission of learned counsel for the petitioner is that once the application was moved for conciliation proceedings to be initiated before the Regional Labour Commissioner, then he would not have proceeded to decide the issue like Industrial Tribunal/ Labour Court.

7. Next submission of learned counsel for the petitioner is that without any authority under law and wholly without jurisdiction the opposite parties proceeded to pass orders impugned and in pursuance thereof, recovery proceedings have also been initiated and an application for recall of the order has also been rejected,

therefore the order passed is wholly without jurisdiction.

8. Next submission of learned counsel for the petitioner is that the entire proceedings initiated by the Regional Level Commissioner is wholly without jurisdiction and without any rational basis, therefore, the impugned orders are patently illegal and are liable to be set aside.

9. On the other hand, Shri Raj Kumar Singh, learned counsel for the respondents-Union of India admitted the fact that under the conciliation proceedings only conciliation can be made. In case conciliation proceeding fails, the only remedy is available to refer the matter to the Central Government who will recommend to the Labour Court or Industrial Tribunal and the Labour Court or Industrial Tribunal will pass an appropriate order.

10. Having heard the rival submissions of learned counsel for the parties, I have perused the material on record.

11. Admitted position is that the order passed by the Regional Level Commissioner is wholly without jurisdiction. He has no authority under law to pass the order for payment of wages under conciliation proceedings. In case he was satisfied that the wages are liable to be paid to the labourer then by disposing of the conciliation proceeding he has to make reference to the Central Government for its transmission to the Competent Authority i.e. Labour Court or Industrial Tribunal. In this view of the matter, the Regional Level Commissioner has committed manifest error of law and jurisdiction in proceeding to decide the controversy involved in the matter.

12. The consequential orders are also dependent upon the order passed by the Regional Level Commissioner, therefore, the order rejecting recall application as well as initiating proceeding for recovery of the amount is wholly without jurisdiction and is not sustainable in the eyes of law.

13. In view of the facts and circumstances of the case and the

reasons assigned above, impugned orders dated 2/11/2006, 5/6/2008 and the recovery certificate dated 4.7.2008 are hereby quashed.

14. In the result, this writ petition is **allowed**.

15. The orders impugned show that in a very perfunctory and cursory manner, the orders have been passed, therefore an exemplary cost to the tune of Rs.50,000/- to be payable to the petitioner is imposed upon the then Regional Level Commissioner who was appointed at the relevant point of time when the order was passed.

February 26, 2026

GK Sinha

(Irshad Ali,J.)