

EXTRAORDINARY

REGD. NO. JK—33



**THE  
JAMMU & KASHMIR GOVERNMENT GAZETTE**

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Separate paging is given to this part in order that it may be filed as a  
separate compilation.

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**PART I-B**

**Jammu and Kashmir Government—Notifications.**

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GOVERNMENT OF JAMMU AND KASHMIR  
CIVIL SECRETARIAT—LABOUR AND EMPLOYMENT  
DEPARTMENT

Notification

Srinagar, the 21st 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 Disputes 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, is of the opinion that an Industrial dispute exists between Mr. Naresh Kumar, Mechanic and the M/s. Jamkash Vehicleades Pvt. Ltd. Opp. Channi Himmat, Jammu through its Managing Director/General Manager ; and

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

Now, therefore, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (XIV of 1947), the Government hereby refers the said dispute to the Industrial Tribunal/Labour 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 ?
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 RIZVI, IAS,  
Commissioner/Secretary to the Government,  
Labour and Employment Department.