

Sudhir & Ors. Vs. Head of Human Resource, Dainik Bhaskar Group (D.B. Corp. Ltd.) & Ors.

Civil Appeal No. _____ of 2026 arising out of SLP (C) No. 4964 of 2023 · Supreme Court of India · 2026-08-11 · Dipankar Datta · Sheel Nagu · F2J-C-1138

Full judgment text

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[Civil Appeal Nos. _____ of 2026 Arising out of SLP (C) Nos. 2824-2839 of 2023]

Sudhir & Ors. Vs. All India Reporter Pvt. Ltd. & Ors.

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Brihanmumbai Union of Journalists Vs. Head of Human Resource, Dainik Bhaskar Group (D.B. Corp. Ltd.) & Ors.

[Civil Appeal Nos. _____ of 2026 arising out of SLP (C) Nos. 17104-17119 of 2023]

All India Reporter Karmachari Sangh Vs. State of Maharashtra & Ors.

[Civil Appeal No. _____ of 2026 arising out of SLP (C) No. 6643 of 2025]

Dipankar Datta, J.

1. Special leave granted.

2. These appeals arise out of judgments of the High Court of Bombay¹, Bench at Aurangabad² and the Bench at Nagpur³. Since they involve a common question of law, we propose to decide the same by this common judgment and order.

3. A Single Judge of the High Court presiding over a Bench at Aurangabad allowed 16 (sixteen) writ petitions⁴ of the employer- Dainik Bhaskar (one of the respondents before us) by setting aside, inter alia, an award of the Labour Court, Aurangabad dated 4th January, 2019, which was under challenge. The Single Judge felt bound by the judgment of the Division Bench of the same High Court delivered from the Bench at Nagpur. The Division Bench had, by its judgment, while allowing a writ petition⁵, upheld a preliminary objection raised by the employer-All India Reporter Private Ltd.⁶ (one of the other respondents before us) and set aside the reference made to the 4th Labour Court, Nagpur by the Additional Commissioner of Labour.

4. Incidentally, in purported exercise of power conferred by Section 17(2) of the Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955⁷ (since repealed by the Occupational Safety, Health and Working Conditions Code, 2020⁸ with effect from 21st November, 2025 by way of a notification CG-DL-E-21112025-267884 issued by the Ministry of Labour and Employment), the Industries, Energy and Labour Department, Government of Maharashtra⁹ vide notification dated 11th May, 2016¹⁰ had delegated the power to make reference to the officers named therein (namely the Additional Commissioners of Labour and the Deputy Commissioners of Labour) to the relevant Labour Courts within their jurisdiction.

5. The central question before the High Court (and also before this Court) was, whether Section 17(2) of the Working Journalists Act empowered a State Government to delegate its power to refer a dispute relating to the quantum of dues payable to an employee by his employer to a Labour Court for decision to any other authority.

6. It is noted that the judgment dated 22nd December, 2022 of the Aurangabad Bench of the High Court is assailed in the lead appeal at the instance of an employee-Sudhir and other employees. Sudhir, along with others, has also impugned the judgment of the Nagpur Bench dated 17th November, 2022 in the first connected appeal. The second connected appeal is at the instance of a union of journalists in the State of Maharashtra, which has questioned the judgment dated 22nd December, 2022 of the Aurangabad Bench. Exception to the judgment dated 17th November, 2022 of the Nagpur Bench has been taken by the union of employees of AIR (P) Ltd. in the third connected

appeal.

7. At this stage, it would be apposite to reproduce Section 17 of the Working Journalists Act. It reads as follows:

"17. Recovery of money due from an employer.-

(1) Where any amount is due under this Act to a newspaper employee from an employer, the newspaper employee himself, or any person authorised by him in writing in this behalf, or in the case of the death of the employee, any member of his family may, without prejudice to any other mode of recovery, make an application to the State Government for the recovery of the amount due to him, and if the State Government or such authority, as the State Government may specify in this behalf, is satisfied that any amount is so due, it shall issue a certificate for that amount to the Collector, and the Collector shall proceed to recover that amount in the same manner as an arrear of land revenue.

(2) If any question arises as to the amount due under this Act to a newspaper employee from his employer, the State Government may, on its own motion or upon application made to it, refer the question to any Labour Court constituted by it under the Industrial Disputes Act, 1947 (14 of 1947), or under any corresponding law relating to investigation and settlement of industrial disputes in force in the State and the said Act or law shall have effect in relation to the Labour Court as if the question so referred were a matter referred to the Labour Court for adjudication under that Act or law.

(3) The decision of the Labour Court shall be forwarded by it to the State Government which made the reference and any amount found due by the Labour Court may be recovered in the manner provided in sub-section (1)."

8. We intend to, in the course of our judgment, analyse the requirements of Section 17(2) and the silences therein, in some detail. What appears to be at the heart of Section 17(2), relevant for the purpose of a decision on these appeals, is reference of a dispute regarding an amount due to an employee from his employer to the Labour Court. The interpretation of the power of referral under Section 17(2) is highly important for employers and employees alike, for, it would determine the ultimate validity of awards passed by the Labour Courts and the success of subsequent litigations involving the award, if any. If the reference itself has been made by an authority which is incompetent to make it, the ultimate award passed by the Labour Court would indeed become questionable.

9. It would be apposite here to also refer to a decision of this Court in *Samarjit Ghosh v. Bennett Coleman & Co.*¹¹. Appellant therein, a working journalist then employed at the Calcutta branch office of the respondent, had applied to the Government of West Bengal under Section 17(1) of the Working Journalists Act for recovery of unpaid wages. He was transferred to Pune, Maharashtra, while the resulting conciliation proceedings were still pending, and it was only after conciliation failed that the Government of West Bengal referred the dispute to the Labour Court under Section 17(2). The Court held that the provisions of Section 17, read together, constitute a single scheme.

Furthermore, the State Government before which an application under Section 17(1) is determined, under Rule 36 of the Working Journalists (Conditions of Service) and Miscellaneous Provisions Rules, 1957, by the location of the Central or Branch Office at which the employee is employed at the time, is the competent authority to refer any question as to the amount due under Section 17(2). It is also the competent authority to which the Labour Court's decision must be forwarded under Section 17(3) for recovery. It was held, in effect, that jurisdiction to make the reference follows the application: the State Government before which an application for recovery was rightly made is alone competent to refer the dispute for adjudication, and this is unaffected by the employee's subsequent transfer to another State during the pendency of the proceedings.

10. Relevant paragraphs from such decision are reproduced hereinbelow:

4. The question whether the Government of West Bengal was empowered to make a reference of the dispute between the appellant and the employer company must be determined by the provisions of the Act in their application to the facts of this case. Section 17 of the Act makes provision for the recovery of money due to a newspaper employee from his employer. Sub-section (1) requires that an application by the newspaper employee complaining that an amount due to him has remained unpaid by the employer should be made to the State Government, and provides that if the State Government is satisfied that any amount is so due it is empowered to issue a certificate for that amount to the Collector, and thereupon the Collector must proceed to recover that amount in the same manner as an

arrear of land revenue.

Which is the State Government to which such application lies is indicated by Rule 36 of the Rules made under the Act. Rule 36 provides that an application under Section 17 of the Act shall be made to the Government of the State where the Central Office or the Branch Office of the newspaper establishment in which the newspaper employee is employed is situated. It is the location of the Central Office or the Branch Office in which the newspaper employee is employed which determines which State Government it will be. The Rule works in favour of the convenience of the newspaper employees.

6. When all the provisions of Section 17 are considered together it is apparent that they constitute a single scheme. In simple terms the scheme is this. A newspaper employee, who claims that an amount due to him has not been paid by his employer, can apply to the State Government for recovery of the amount. If no dispute arises as to the amount due the Collector will recover the amount from the employer and pay it over to the newspaper employee. If a question arises as to the amount due, it is a question which arises on the application made by the newspaper employee, and the application having been made before the appropriate State Government it is that State Government which will call for an adjudication of the dispute by referring the question to a Labour Court.

When the Labour Court has decided the question, it will forward its decision to the State Government which made the reference, and thereafter the State Government will direct that recovery proceedings shall be taken. In other words the State Government before whom the application for recovery is made is the State Government which will refer the question as to the amount due to a Labour Court, and the Labour Court upon reaching its decision will forward the decision to the State Government, which will then direct recovery of the amount.

(emphasis supplied)

11. That all the sub-sections of Section 17 constitute a single scheme is not, therefore, in doubt, and we will, in the course of our judgment address what was meant when the Court used the phrase "single scheme". Indeed, this Court has recognised in paragraph 6 of Bennett Coleman (*supra*) that it is for the State Government to call for an adjudication of the dispute by referring the question to the Labour Court. However, given that such observations were not made in a fact situation where reference was made by a delegate of the State Government, the said decision is an authority for what it actually decided and not what can logically be deduced therefrom. Thus, there arises the necessity to consider Section 17 afresh in the light of the facts before us, the submissions advanced and the decisions of the High Courts on the interpretation of Section 17.

12. For the purpose of our assessment of Section 17(2), it would be relevant to assess the statutory scheme in its entirety.

13. Sub-section (1) of Section 17 contemplates a stage where any sum allegedly due to the employee from the employer is claimed by the former and the latter refuses to acknowledge its liability. If the State Government is moved by the employee seeking recovery of the amount due to him, the State Government has two options. First, the State Government can satisfy itself that any amount is so due; or, in the alternative, the State Government may specify an authority¹² to satisfy itself (read: specified authority) that any amount is so due. Subject to the satisfaction being reached that any amount is due¹³, the State Government or the specified authority, as the case may be, shall issue a certificate for that amount to the Collector, whereupon the Collector shall proceed to recover that amount in the same manner as an arrear of land revenue.

14. What is the course of action to be adopted if the employer disputes the claim on any ground, like quantum or even liability, and refuses to pay? It is here that sub-section (2) of Section 17 comes into play. It ordains that if any question arises as to the amount due under the Working Journalists Act, the State Government may, either suo motu or on an application made to it, refer the question to any Labour Court constituted by it under the Industrial Disputes Act, 1947¹⁴ (since repealed by the Industrial Relations Code, 2020, with effect from 21st November, 2025), or under any corresponding law relating to investigation and settlement of industrial disputes in force in the State.

15. Sub-section (3) of Section 17 deals with the post-decision stage. The Labour Court is required by the law to forward its decision to the State Government which made the reference and recovery of any amount found due by the Labour Court has to be in the manner provided in sub-section (1) of Section 17, i.e., by issuance of a certificate to the Collector for effecting recovery in the same manner and

revenue is recovered.

16. Having read Section 17 and its requirements, we need to understand what is unsaid and what is said.

17. First, we would read Section 17(1) as impliedly requiring the State Government or the specified authority to put the employer on notice prior to reaching any satisfaction as to the amount due, since this requirement is absent in the text of sub-section (1) and must be read into the statute to make it meaningful.

18. Secondly, the specified authority under Section 17(1) (being the delegate) is also impliedly required to report to the State Government that no certificate could be issued by him to the Collector because either the sum claimed by the employee is disputed by the employer or the liability to pay is denied.

19. Thirdly, on a comparative study of sub-sections (1) and (2) of Section 17, what draws our immediate attention is the express power conferred on the State Government by the legislature to delegate its function to the specified authority in Section 17(1) and the absence of such power of delegation in Section 17(2). The Latin maxim *unius est exclusio alterius* comes to mind, which means the express mention of one excludes the other.

In the context of the statutory provision under consideration, where the legislature has conferred the power of delegation to the State Government for the function required to be performed as required by sub-section (1) of Section 17 but has chosen to remain silent for the follow-up function, as envisaged in sub-section (2) of Section 17, the presumption to be drawn is that the legislature did not intend the power of delegation to be conferred on the State Government for making a reference to the Labour Court under Section 17(2).

20. Significantly, sub-section (2) of Section 17 does not even remotely refer to power to make any reference being delegated to the specified authority.

21. Lastly, sub-section (3) of Section 17 mandates the State Government, which made the reference under Section 17(2), to give effect to the decision of the Labour Court, if it is in favour of the employee, by issuing a certificate for recovery of the amount determined to be due in the same manner as in sub-section (1) of Section 17. Here too, recognition is attributed to the State Government as having the power to refer and not to the specified authority as in sub-section (1) of Section 17.

22. On the plain language of Section 17, we have no hesitation to hold that though the power of delegation is available to the State Government under sub-section (1) of Section 17, such power is unavailable under sub-section (2) of Section 17.

23. There is, to our mind, another weighty reason for concluding that delegation of power for making a reference to the Labour Court is not contemplated by sub-section (2) of Section 17.

24. The reason is this. In the field of administrative law, it is well-known that an authority who is conferred power by the Constitution or by a statute can delegate to a subordinate what such authority is empowered to do. As in the present case, express power of delegation is given to the State Government by sub-section (1) of Section 17. Having dealt with the plain language of Section 17, let us now ascertain what the statutory scheme is.

25. At the outset, we may draw useful guidance from the decision of this Court in *Pradyot Kumar Bose v. The Hon'ble The Chief Justice of Calcutta High Court*¹⁵ in this regard. There, this Court, *inter alia*, was called upon to decide whether the Chief Justice had the power to delegate to another Judge, an enquiry into charges against the appellant. Spurning the objection of the appellant, the Court held as follows:

18. The further subordinate objections that have been raised remain to be considered. The first objection that has been urged is that even if the Chief Justice had the power to dismiss, he was not, in exercise of that power, competent to delegate to another Judge the enquiry into the charges but should have made the enquiry himself. This contention proceeds on a misapprehension of the nature of the power. As pointed out in *Barnard v. National Dock Labour Board* [(1953) 2 QB 18)] at QB p. 40, it is true that "No judicial tribunal can delegate its functions unless it is enabled to do so expressly or by necessary implication". But the exercise of the power to appoint or dismiss an officer is the exercise not of a judicial power but of an administrative power. It is nonetheless so, by reason of the fact that

an opportunity to show cause and an enquiry simulating judicial standards have to precede the exercise thereof.

It is well recognised that a statutory functionary exercising such a power cannot be said to have delegated his functions merely by deputing a responsible and competent official to enquire and report. That is the ordinary mode of exercise of any administrative power. What cannot be delegated except where the law specifically so provides-is the ultimate responsibility for the exercise of such power. As pointed out by the House of Lords in *Board of Education v. Rice* [1911 AC 179 (HL)], a functionary who has to decide an administrative matter, of the nature involved in this case, can obtain the material on which he is to act in such manner as may be feasible and convenient, provided only the affected party "has a fair opportunity to correct or contradict any relevant and prejudicial material".

19. The following passage from the speech of Lord Chancellor in *Local Govt. Board v. Arlidge* [1915 AC 120 (HL)] is apposite and instructive: (AC p. 133)

"My Lords, I concur in this view of the position of an administrative body to which the decision of a question in dispute between parties has been entrusted. The result of its inquiry must, as I have said, be taken, in the absence of directions in the statute to the contrary, to be intended to be reached by its ordinary procedure. In the case of the Local Government Board it is not doubtful what this procedure is. The Minister at the head of the Board is directly responsible to Parliament like other Ministers. He is responsible not only for what he himself does but for all that is done in his department.

The volume of work entrusted to him is very great and he cannot do the great bulk of it himself. He is expected to obtain his materials vicariously through his officials, and he has discharged his duty if he sees that they obtain these materials for him properly. To try to extend his duty beyond this and to insist that he and other members of the Board should do everything personally would be to impair his efficiency. Unlike a Judge in a Court he is not only at liberty but is compelled to rely on the assistance of his staff."

20. In view of the above clear statement of the law the objection to the validity of the dismissal on the ground that the delegation of the enquiry amounts to the delegation of the power itself is without any substance and must be rejected.

(emphasis supplied)

26. What follows from the aforesaid passage is that having regard to the great volume of work necessary to be carried out, it may not be possible for the State Government to do the great bulk of work itself; the State Government, in the ordinary course of its administrative functions, has to and can rely on materials vicariously obtained through its officials, and it would amount to sufficient compliance of law if the discharge of duty that the law requires is premised on a proper consideration of the materials so obtained. However, it is of utmost importance that unless authorised by law, what cannot be delegated is the ultimate responsibility for exercise of the power entrusted.

27. In this context, we may also profitably make reference to a 3-Judge Bench decision of this Court in *Sahni Silk Mills (P) Ltd. v. Employees State Insurance Corporation*¹⁶. In this case, this Court was concerned with the vires of a resolution dated 28th February 1976 adopted by the Employees State Insurance Corporation under Section 94-A of the Employees State Insurance Act, 1948¹⁷ which authorized the Director General "or any other officer authorized by him" to recover damages under Section 85-B(1) of the ESI Act. Evaluating whether the statute contemplated any express or implied powers of sub-delegation, this Court observed as follows:

5. The courts are normally rigorous in requiring the power to be exercised by the persons or the bodies authorised by the statutes. It is essential that the delegated power should be exercised by the authority upon whom it is conferred and by no one else. At the same time, in the present administrative set-up extreme judicial aversion to delegation cannot be carried to an extreme. A public authority is at liberty to employ agents to exercise its powers. That is why in many statutes, delegation is authorised either expressly or impliedly. Due to the enormous rise in the nature of the activities to be handled by statutory authorities, the maxim *delegatus non potest delegare* is not being applied specially when there is question of exercise of administrative discretionary power.

6. By now it is almost settled that the legislature can permit any statutory authority to delegate its power to any other authority, of course, after the policy has been indicated in the statute itself within the framework of which such delegatee is to exercise the power. The real problem or the controversy

arises when there is a subdelegation. It is said that when Parliament has specifically appointed authority to discharge a function, it cannot be readily presumed that it had intended that its delegate should be free to empower another person or body to act in its place. In *Barium Chemicals Ltd. v. Company Law Board* [AIR 1967 SC 295 : 1966 Supp SCR 311 : (1966) 36 Com Cas 639] , this Court said in respect of subdelegation:

"Bearing in mind that the maxim *delegatus non potest delegare* sets out what is merely a rule of construction, sub-delegation can be sustained if permitted by express provision or by necessary implication."

7. Again in *Mangulal Chunilal v. Manilal Maganlal* [AIR 1968 SC 822 : (1968) 2 SCR 401 : 1968 Cri LJ 979] , while considering the scope of Section 481(1)(a) of the Bombay Provincial Municipal Corporation Act (59 of 1949) this Court said that Commissioner of the Ahmedabad Municipal Corporation had delegated his power and function under the aforesaid section to a Municipal Officer to launch proceedings against a person charged with offences under the Act or the rules and that officer to whom such functions were delegated could not further delegate the same to another.

8. In *Halsbury's Laws of England*, 4th Edn., Vol. I, in respect of subdelegation of powers it has been said:

"In accordance with the maxim *delegatus non potest delegare*, a statutory power must be exercised only by the body or officer in whom it has been confided, (*H. Lavender & Son Ltd. v. Minister of Housing and Local Government* [(1970) 3 All ER 871 : (1970) 1 WLR 1231]) unless sub-delegation of the power is authorised by express words or necessary implication (*Customs and Excise Comrs. v. Cure and Deeley Ltd.* [(1962) 1 QB 340 : (1961) 3 All ER 641 : (1961) 3 WLR 798] and *Mungoni v. Attorney General of Northern Rhodesia* [(1960) 1 All ER 446 : (1960) 2 WLR 389 : 1960 AC 336, PC]). There is a strong presumption against construing a grant of legislative, judicial, or disciplinary power as impliedly authorising sub-delegation; and the same may be said of any power to the exercise of which the designated body should address its own mind. *Allam & Co. v. Europa Poster Services Ltd.* [(1968) 1 All ER 826 : (1968) 1 WLR 638]."

10. So far as the present Section 94-A is concerned, it says that the Corporation subject to any regulation made by the Corporation in that behalf, may direct that particular or any of the powers and functions which may be exercised or performed by the Corporation, may, in relation to such matters and subject to such conditions, if any, as may be specified "be also exercisable by any officer or authority subordinate to the Corporation". Section 94-A does not specifically provide that any officer or authority subordinate to the Corporation to whom the power has been delegated by the Corporation, may in his turn authorise any other officer to exercise or perform that power or function. But by the resolution dated 28-2-1976 the Corporation has not only delegated its power under Section 85-B(1) of the Act to the Director General, but has also empowered the Director General to authorise any other officer to exercise the said power.

Unless it is held that Section 94-A of the Act, enables the Corporation to delegate any of its powers and functions to any officer or authority subordinate to the Corporation, and he in his turn can sub-delegate the exercise of the said power to any other officer, the last part of the resolution dated 28-2-1976 cannot be held to be within the framework of Section 94-A. According to us, Parliament while introducing Section 94-A in the Act, only conceived direct delegation by the Corporation to different officers or authorities, subordinate to the Corporation, and there is no scope for such delegate to sub-delegate that power, by authorising any other officer to exercise or perform the power so delegated.

(emphasis supplied)

28. The situation in *Sahni Silk Mills* (supra) does not arise here. However, viewed in the prism of the present debate and in light of the decision in *Pradyot Kumar Bose* (supra), it is found that the legislature in its wisdom permitted the State Government in Section 17(1) to delegate power to the specified authority to issue the certificate to the Collector for recovery of any amount due in those rare cases where the employer does not dispute the entitlement and, consequently, the claim or at least a part of it. However, once it is reported by the specified authority to the State Government that the entitlement and/or the claim is denied and disputed, such specified authority becomes *functus officio*.

As one proceeds to the next stage contemplated under Section 17(2), the legislature in no uncertain terms makes the position clear that the administrative power to make a reference rests with the State

Government and none else. What a reference to the Labour Court presupposes is a satisfaction reached by the State Government that there exists a dispute between the employee and the employer under the Working Journalists Act, which needs to be resolved by a decision of the Labour Court.

This satisfaction, which must precede the making of the reference, is the responsibility of the State Government upon giving due regard to the materials on record placed before it, which could even include the materials collected by the specified authority while it proceeded, after delegation in its favour by the State Government, in terms of subsection (1) of Section 17. The provision of sub-section (2) of Section 17 leaves absolutely no room for the specified authority to undertake the function which is solely entrusted to the State Government thereunder. In other words, the power of delegation which is traceable in sub-section (1) of Section 17 cannot be borrowed therefrom to apply it to a situation requiring action under sub-section (2) of Section 17.

29. At this stage, we may also deal with the arguments advanced by the learned counsel for the appellants. Placing reliance on Bennett Coleman (*supra*), it was argued that Section 17 contemplates a single seamless scheme wherein any dispute concerning any amount due to an employee could be referred to the Labour Court and since the Working Journalists Act is a beneficial legislation, the power of delegation should be impliedly read into Section 17(2) of the Working Journalists Act.

We are unable to agree with these arguments advanced by the learned counsel. As stated above in paragraph 11, Bennett Coleman (*supra*) did not deal with a situation wherein the State Government had delegated any power under Section 17(2). What the Court meant when it observed that Section 17 constituted a "single scheme" was that the said section only categorically and sequentially laid down the steps to be followed for the recovery of any amount due to an employee.

Additionally, while it is true that the Working Journalists Act is a beneficial legislation which has been enacted for the benefit of employees working in newspaper establishments and should be interpreted in favour of such employees as observed by this Court in *All India Reporter Karamchari Sangh v. All India Reporter Private Limited*¹⁸, at the same time, we cannot lose sight of the literal rule of interpretation, and in the absence of any ambiguity while interpreting the statute, the language used by the legislature cannot be modified. On a plain interpretation of Section 17(2), there is absolutely no ambiguity with regard to the requirement that it is the State Government alone which can refer the matter to the Labour Court.

30. Next, the learned counsel for the appellants also contended that the power of the State Government under Section 17(2) was merely an administrative power akin to the power of the appropriate Government under Section 10(1) of the ID Act and that administrative functions of the State could be delegated, when the statute has not prescribed any mechanism for its implementation. Learned counsel relied on the decisions in *Telco Convoy Drivers Mazdoor Sangh & Anr. v. State of Bihar & Ors.*¹⁹, *State of Madras v. C.P. Sarathy & Anr.*²⁰ and *Sidhartha Sarawgi v. Board of Trustees for the Port of Kolkata & Ors.*²¹ to support their contentions.

31. We are afraid, these decisions are unable to aid the appellants' case. *Telco Convoy Drivers* (*supra*) involved a case wherein the appropriate Government refused to refer the dispute of the appellant trade union therein under Section 10(1) of the ID Act and this Court held that the appropriate Government, performing an administrative function, did not have the power to adjudicate the dispute at the stage of referral. The central question before this Court in *Telco* (*supra*) did not involve any delegation of power to a third party by the appropriate Government under Section 10(1) of the ID Act.

Similarly, *C.P. Sarathy* (*supra*) did not involve any question of delegation of power to a third party by the appropriate Government; rather, the question before this Court in that case was the level of detail required to be expressed on the dispute by the appropriate Government while making a reference under Section 10(1) of the ID Act. Finally, in *Sidhartha Sarawgi* (*supra*), certain leases were terminated pursuant to ejectment notices which were signed by the Land Manager of Kolkata Port Trust. Challenging these ejectment notices, the appellants therein argued that such ejectment notices were illegal and could not be issued by the Land Manager.

Any steps for ejectment had to be made by the Chairman of the Kolkata Port Trust. Rejecting this contention of the appellants, this Court observed that the ultimate power to terminate leases had been vested in the Chairman by virtue of a resolution passed by the Board of Kolkata Port Trust pursuant to Section 21 of the Major Port Trusts Act, 1963 and that while the Chairman had taken the ultimate decision to terminate the leases in question, the Land Manager had only been authorized to

implement the said decision of the Chairman.

In the present instance, Section 17(2) contemplates that the ultimate decision to refer the dispute to the Labour Court is taken by the State Government alone. The Notification of the GoM does not merely vest powers of implementation on the specified authorities, rather, it vests the ultimate decision making authority in regard to making a reference to the specified authorities and completely takes away the statutory duty of the State Government under Section 17(2) to refer the dispute. The cases before us do not involve the specified authorities acting as mere implementing agencies of the State Government.

32. We are, thus, of the considered opinion that the GoM fell in grave error in delegating power to the specified authorities to make reference under sub-section (2) of Section 17 to the Labour Court. While we do not approve the decision of the Allahabad High Court in Pradhan Prabandhak/Unit Head M/s. Amar Ujala v. State of Uttar Pradesh²² taking a contrary view, we affirm the judgments of the High Court under challenge in these appeals as well as the decision of the Punjab and Haryana High Court at Chandigarh in Jagran Parkashan Limited v. State of Punjab²³.

33. Resting on the aforesaid conclusion, dismissal of the appeals should be the obvious outcome. However, having regard to the lapse of time since the Notification was issued and the developments subsequent thereto, we do not think it to be proper to put the parties back to square one particularly when the Working Journalists Act stands repealed with effect from 21st November, 2025 by the OSH Code, and the question of making new references under Section 17(2) would, thus, not arise in future.

34. Exploring an answer to deal with the problem, in our view, lies in the principles akin to ratification.

35. We are not unmindful of the decision of this Court in Marathwada University v. Seshrao Balwant Rao Chavan²⁴, where it was held that the principles of ratification apparently do not have any application with regard to exercise of powers conferred under statutory provisions.

36. However, the said decision is distinguishable because of the peculiar facts of these appeals. The Notification of the GoM authorised the stated specified authorities to make references to the relevant Labour Courts, subject to the necessary satisfaction being reached that a dispute did exist. It is in pursuance of such notification that references have been made to Labour Courts all over the State of Maharashtra by the specified authorities. On the dates the references were made, the specified authorities did not per se act without jurisdiction.

The references were backed by the Notification. Little did the specified authorities know that conferment of power on them by the GoM would be assailed later and the Notification declared bad. In a sense, this is a situation better than the one where the principles of ratification apply (enabling an unauthorised action of an agent being validated as a result of ratification by the principal). What has essentially to be enquired is, whether a dispute did exist under the Working Journalists Act, which could have legitimately been referred to the Labour Court for resolution upon a satisfaction reached by the GoM.

37. Bearing this in mind, we direct that the impugned judgments of the Nagpur and Aurangabad Benches of the High Court shall neither bring about a termination of the proceedings referred to the respective Labour Courts by the relevant specified authority or the proceedings which were dealt with by the High Court, nor shall the proceedings which are pending before the Labour Courts terminate by reason of our judgment.

38. In exercise of the power conferred on this Court by Article 142 of the Constitution of India, we further direct that the GoM in the appropriate department shall revisit all references made to the Labour Courts by the respective specified authorities. Upon an independent exercise being undertaken in each case and uninfluenced by the satisfaction reached by the specified authorities, the GoM shall be under an obligation to record fresh satisfaction that there existed a dispute as to amount due which was worthy of being referred.

In those cases where satisfaction is reached, a fresh reference shall be made by the GoM outlining the terms for the same to be decided in accordance with law. The proceedings shall, however, be taken forward from the stage the Labour Courts have reached. If further evidence is required to be led by any of the parties consequent upon the fresh reference, the Labour Court shall offer an opportunity to the party seeking to lead further evidence and likewise, allow the opposite party to lead evidence in defence.

39. Even in those cases where the Labour Courts have passed awards acting in furtherance of references made by the specified authorities and such awards are under challenge before the High Court, the GoM has to certify that it is satisfied that the dispute was rightly referred. In such case, the correctness and/or legality of the awards which are under challenge before any bench of the High Court may be examined on its own merits.

40. Since the cluster of writ petitions referred to in paragraph 3 (supra) read with the relevant footnote, from which the lead appeal arises, has been disposed of by the High Court, the GoM will record its satisfaction in each such case and wherever it is certified that there was a dispute as to amount due which was required to be referred to the Labour Court, the parties in such writ petitions shall be at liberty to approach the High Court with an application for recall of the orders of disposal and for restoration thereof. Once such approach is made, we have no doubt that the High Court will restore the writ petitions and hear the same on its own merits.

41. In those cases where the GoM reaches a satisfaction that reference should not have been made at all, it shall record accordingly and communicate its decision to the employee concerned. In such a situation, the employee may seek recovery of any amount allegedly due to him through other available process of recovery, with limitation commencing from the date of receipt of the order of the GoM.

42. This judgment shall, however, not permit employers to reopen proceedings already concluded on the basis of references made by the specified authorities in terms of the Notification, if in further proceedings before a higher court the validity of such reference has not been challenged.

43. We make it abundantly clear that merits of the rival claims with regard to any amount due or payable have not been examined and the parties are free to raise all points that are available in law for being decided by the relevant courts.

44. The GoM is directed to implement this order of revisiting references as early as possible but not later than 6 (six) months from the date of its communication to it. Till such time the GoM takes a decision in respect of each dispute and communicates the same to the parties as well as the Labour Court, the proceedings pending either before the Labour Court or before the High Court shall not proceed. Needless to observe, continuance of further proceedings shall be dependent on the decisions taken by the GoM.

45. We also make it clear that if any proceeding before the Labour Court has been closed relying upon the impugned judgments and such closure is not under challenge, the proceedings will be re-opened if the GoM refers the dispute to such Labour Court in terms of this order.

46. On the aforesaid terms, the civil appeals stand disposed of.

47. Connected applications, if any, shall also stand closed.

.....J. (Dipankar Datta)

.....J. (Sheel Nagu)

New Delhi;

August 11, 2026.

1 High Court

2 Judgment dated 22nd December, 2022

3 Judgment dated 17th November, 2022

4 W.P. No.11646 of 2019, being the lead writ petition along with W.P. No.11665/2019 with W.P. No.4864/2022 with W.P. No.4862/2022 with W.P. No.4869/2022 with W.P. No.4870/2022 with W.P. No.4858/2022 with WP No.4860/2022 with WP No.4859/2022 with W.P. No.4861/2022 with W.P. No.4865/2022 with W.P. No.4868/2022 with W.P. No.4866/2022 with W.P. No.4867 /2022 with W.P. No.4863/2022 with W.P. No.10774/2022

5 W.P.No.6402 of 2019

6 AIR (P) Ltd.

7 Working Journalists Act

8 OSH Code

9 GoM

10 Notification

11 (1987) 3 SCC 507

12 specified authority

13 Which the employer does not dispute - this has to be read into sub-section (1) of Section 17 for a meaningful construction of the entire section

14 ID Act

15 (1955) 2 SCC 791

16 (1994) 5 SCC 346

17 ESI Act

18 AIR 1988 SC 1325

19 (1989) 3 SCC 271

20 (1952) 2 SCC 606

21 AIR 2015 SC 1271

22 (2018) SCC OnLine All 7010

23 (2019) SCC OnLine P&H 8047

24 (1989) 3 SCC 132

Source disclosure: Complete sanitized public judgment text retained for research; official-primary replacement remains pending.

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