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**Collage:- J.D. Women's College**

**Course :- MBA ( PG )**

**Semester :- 3 RD**

**Paper :— MB HC 02**

**Topic :-- Adjudication**

**Subject :-- Industrial Relations**

## **Adjudication**

Adjudication means a mandatory settlement of an industrial dispute by a labour court or a tribunal. Generally, the government refers a dispute or adjudication depending on the failure of conciliation proceedings. Section 10 of the Industrial Disputes Act, 1947, provides for reference of a dispute to labour court or tribunal. The Act also lays down rules regarding the composition and powers of labour courts and tribunals. Disputes are generally referred to adjudication on the recommendation of the conciliation officer who had dealt with them earlier. However, the government has discretionary powers to accept or reject recommendations of the conciliation officer. It is obvious that once a dispute is referred for adjudication, the verdict of a labour court or tribunal is binding on both the parties. The system of adjudication is the most significant instrument of resolving disputes. But, it has been criticized because of the delay involved in resolving conflicts. Continued dependence on adjudication deprives the trade unions of their right to recognize and consolidate

**Adjudication** is the legal process by which an arbiter or judge reviews evidence and argumentation, including legal reasoning set forth by opposing parties or litigants to come to a decision which determines rights and obligations between the parties involved their strength.

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## **5 steps to the Adjudication Process**

The purpose of adjudication is to resolve disputes so that you don't have to have an expensive and long process in court. It is a process of the examination of claims and determining the outcome of these claim benefits. When the claim is filed and received goes through a 5 stage process to determine how the claim should be paid,

- (1) initial processing,
- (2) automated review,
- (3) manual review,
- (4) determination,
- (5) payment.

The purpose of this flow chart is to show you the steps you must take and explain the process of each step and what the purpose is for.

## **Advantages of adjudication**

**Adjudication** has many benefits and perhaps the foremost of these has to be the efficiency of the process as it's designed to ensure the smooth running of any contract under which a dispute arises and to enable this dispute to be quickly and efficiently resolved. Other key advantages of adjudication, widely acknowledged by those who have experienced, or are familiar with the process, include:

- Adjudication produces a final decision that the parties are encouraged to respect – and the majority of adjudication decisions do tend to be accepted by the parties as the final result
- Parties can select the adjudicator they wish to use or at least the characteristics of the adjudicator

- The adjudicator can act as an investigator.
- Due payments can be enforced without waiting for an arbitration award and because of the quick turnaround times in the adjudication process this can result in a business receiving a significant and speedy cash injection
- There are rarely lengthy oral arguments or legal submissions There is no cross examination or formal evidence
- The adjudicator and disputing parties can all agree – and adhere – to a fast, flexible and streamlined process