
(2004) 03 AHC CK 0202

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 28739 of 2000

Asian Paints (India) Ltd.

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 11-03-2004

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2004) 101 FLR 832 : (2004) 2 UPLBEC 1752

Hon'ble Judges : Anjani Kumar, J

Bench : Single Bench

Advocate : J.N. Tiwari and Samiran Chatterjee, for the Appellant; P.C. Jhingan and P.K. Singh and S.C., for the Respondent

Final Decision : Disposed Of

Judgement

Anjani Kumar, J.—Heard learned Counsel appearing on behalf of the parties.

2. The petitioner aggrieved by an order dated 25th April, 2000, passed by Labour Commissioner (U.P.), Kanpur, copy whereof is appended as Annexure-9 to the writ petition, whereby the proceedings which were pending before the Labour Court-II, U.P., Kanpur, have been transferred to Industrial Tribunal (3), U.P., Kanpur approached this Court by means of present writ petition under Article 226 of the Constitution of India.

3. It is asserted by learned Counsel appearing on behalf of the petitioner that the order impugned in the present writ petition has been passed without affording any opportunity of hearing to him. Learned Counsel for the petitioner, in this regard has relied upon a decision reported in Escorts Yamaha Motor Limited Vs. The Secretary, Branch of Labour Secretariat, Government of Uttar Pradesh, Department of Labour and Others, , wherein this Court relying upon an earlier decision of Apex Court reported in Management of M.S. Nally Bharat Engineering Co. Ltd. Vs. State of Bihar and Others, , has held that the principles of natural justice know of no exclusionary rule dependent on whether it would have made

any difference if natural justice had been observed. The non-observance of natural justice is itself prejudice to any man and proof of prejudice independently of proof of denial of natural justice is unnecessary. In these circumstances, the order impugned in the present writ petition dated 25th April, 2000 (Annexure-9 to the writ petition) deserves to be quashed and is hereby quashed. The Respondent No. 4, Presiding Officer, Industrial Tribunal (III), Kanpur Nagar, Kanpur is directed to transmit the file of this reference to such Labour Court, which is not vacant, and the Labour Court concerned will start the proceeding where it is left. The interim order, if any, stands vacated.

4. With the aforesaid direction, this writ petition is finally disposed of. However, on the facts and circumstances of the case there will be no order as to costs.