
(2010) 01 AHC CK 0033
In the Allahabad High Court
Case No : Writ Petition No. 70514 of 2009

Babu Lal Kashyap

APPELLANT

Vs

Union of India and Others

RESPONDENT

Date of Decision : 04-01-2010

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2010) 124 FLR 474

Hon'ble Judges : Arun Tandon, J

Bench : Single Bench

Advocate : Rajesh Tiwari, for the Appellant;

Final Decision : Dismissed

Judgement

Arun Tandon, J.—This writ petition is directed against an order of the Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court, Kanpur dated 11th January, 2007 as notified on 1st February, 2007 passed in I.D. Case No. 53 of 2004. Reference has been answered against the workman-petitioner.

2. The writ petition has been filed after more than two years and 10 months of the notification of the impugned award. Even otherwise, this Court finds that 7/8 opportunities were afforded to the workman to lead his evidence, but he failed to do so. Ultimately an order was passed by the Industrial Tribunal on 30th November, 2006 whereby the workman was debarred from adducing the evidence. An application for recall of the said order was filed. This application was rejected by the Industrial Tribunal vide order dated 21st December, 2006. It is worthwhile to reproduce the order dated 21st December, 2006, which reads as follows:

21.12.2006

Workman has moved the present application mentioning multiple prayer for recalling the orders dated 30.12.2006 whereby the workman was debarred from adducing evidence also prayed for recalling the order for payment of cost pressed

on 31.12.2005, another application dated 11.6.2006 praying through issue, another application dated 30.1.2006 and also the order rejecting the application moved on behalf of workman dt. 30.11.2006. It needs mention that the applicant was granted opportunity to adduce evidence on 20.9.2005, 6.12.2005, 21.12.2005, 6.1.2006, 7.3.2006, 7.6.2006, 7.9.2006 and 22.11.2006 and finally on 30.11.2006. After committing the long absence and unwilling of the workman was debarred from adduce evidence there is no sufficient ground to recall the said order. Application is rejected, management has assessed of willing proceeding argument heard on side of the management reserve for award.

3. From the aforesaid, it is apparently clear that the workman-petitioner has hopelessly failed to prove his case and to lead evidence in support of his case. There is no illegality in the award passed by the Industrial Tribunal, so as to warrant any interference under Article 226 of the Constitution of India.

The writ petition is accordingly dismissed.