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**(1966) 08 RAJ CK 0002**

**In the Rajasthan High Court**

**Case No :** Civil Writ Petition No"s. 725 and 729 of 1964

Kendriya Sarvodaya Sahkari Sangh Ltd., Jaipur

APPELLANT

Vs

Shri Jawan Singh and Another

RESPONDENT

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**Date of Decision :** 08-08-1966

**Acts Referred:**

Constitution of India, 1950 — Article 226  
Industrial Disputes Act, 1947 — Section 2, 36  
Rajasthan Co-operative Societies Act, 1965 — Section 61

**Citation :** AIR 1968 Raj 33 : (1967) 1 LLJ 270 : (1967) RLW 73

**Hon'ble Judges :** D.S. Dave, C.J; Kan Singh, J

**Bench :** Division Bench

**Advocate :** N.M. Kasliwal, for the Appellant; M. Mridul, for the Respondent

**Final Decision :** Dismissed

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## **Judgement**

Kan Singh, J.—These are two writ petitions under Article 226 of the Constitution filed by Kendriya Sarvodaya Sahkari Sangh Limited, Jaipur, hereinafter to be referred as the "Sangh", by which the Sangh questions the validity of two awards given by the Industrial Tribunal, Rajasthan, Jaipur, holding that the termination of the services of Sangh's employees; Shri Ram Swarup Mathur in the one case and Shri Jata Shankar in the other, were illegal and unjustified and in consequence awarding compensation to both of them, though their reinstatement was not ordered The Government made two identical references to the Industrial Tribunal u/s 10(1)(d) of the Industrial Disputes Act, 1947, at the instance of Saranjan Udyog Karamchari Union, Jaipur As the two writ petitions raise some common questions of law, they can conveniently be disposed of together

2. We may first advert to the facts in Shri Jata Shankar's case. The Sangh was a Co-operative Society registered under the Rajasthan Co-operative Societies Act of 1953 and Shri Jata Shankar was employed as a Chief Accounts Officer in 1958 by the Sangh. The Sangh also had a post of Manager, but it appears that with

effect from 9-9-61, the post of Chief Accounts Officer was merged with that of the Manager and Shri Jata Shankar was appointed as an acting Manager. He held this appointment till 23-12-61 when under orders of the Sangh he was relieved of this post by one Shri Ram Ballabh Sharma. On 29-12-61 the Sangh levelled certain allegations against Shri Jata Shankar and asked for his explanation. Shri Jata Shankar replied to the communication addressed to him on 30-12-61. On 24-1-62 the Manager of the Sangh served a charge-sheet on Shri Jata Shankar and gave him 3 days time for submitting his reply to the charge sheet. As Shri Jata Shankar failed to submit his reply within the time allowed to him, a notice proposing the penalty of dismissal was given to him on 2-2-62. On this date Shri Jata Shankar appears to have sent his reply to the charge-sheet given to him by the Sangh.

The matter was then placed before the Administrative Committee of the Sangh who considered it in its meeting dated 7-2-62 and passed a resolution, which was No. 9, holding that Shri Jata Shankar was guilty of indiscipline and consequently it was not thought desirable to keep him in the services of the Sangh any longer. Pursuant to this resolution an office order was served on Shri Jata Shankar on 16-2-62 that his services shall stand terminated with immediate effect. Shri Jata Shankar's cause was then taken up by a union of workers styled as Saranjan Udyog Karamchari Union and the Union moved the State Government to refer the industrial dispute about the termination of services of Shri Jata Shankar to the Industrial Tribunal. The reference made by the Government was to the following effect:

"Whether the termination of the services of Shri Jata Shankar (represented by the Saranjan Udyog Karamchari Union, Jaipur) by the Kendriya Sanyodaya Sahakari Sangh Limited, Jaipur, is unjustified and illegal? If so, to what relief Shri Jata Shankar is entitled?"

In opposing the reference the Sangh raised a preliminary objection before the Industrial Tribunal that as Shri Jata Shankar was not a workman within the meaning of Section 2(s) of the Industrial Disputes Act, 1947, he being an officer discharging managerial and administrative functions the reference of the industrial dispute was not competent. The Tribunal rejected this preliminary objection on the ground that as Shri Jata Shankar had been relieved of his duties of a Manager on 23-12-61 that is, prior to the disciplinary proceedings being taken against him, the nature of the duties subsequently performed by him had to be taken into consideration for seeing whether he was a workman within the meaning of Section 2(s) of the Industrial Disputes Act, 1947. The Tribunal then made a survey of the various duties that Shri Jata Shankar had been performing since 23-12-61 and came to the conclusion that he was only discharging the duties of a clerk and consequently Shri Jata Shankar was held to be a workman within the meaning of Section 2(s) of the Industrial Disputes Act.

The Tribunal then went into the question raised on behalf of Shri Jata Shankar that the order of termination of his services was bad, because the principles of

natural justice had not been followed by the Sangh. It was contended before the Tribunal on behalf of Shri Jata Shankar that no enquiry whatsoever was held by the Management before holding him guilty. The Tribunal observed as follows:

"A perusal of the dismissal order itself shows that the charges levelled against Shri Jata Shankar were assumed to be true merely because in the opinion of the Prasshan Samiti the reply submitted by Shri Jata Shankar was utterly without any substance. Though a copy of the charge-sheet was furnished to Shri Jata Shankar no enquiry whatsoever was held by the Management nor were any findings arrived at as a result of an enquiry. Charges Nos. 4, 7 and 8 may be considered to be of some importance but they are very vague and it is too much to expect a clear reply to them. Obviously principles of natural justice have been violated in this case by the Management inasmuch as no enquiry was held and Shri Jata Shankar was not apprised of the material appearing in evidence against him. Moreover, no clear findings were arrived at on the specific charges levelled against him. The order of his dismissal is clearly arbitrary and there appears little justification or legality in it."

Though the Tribunal held that the order of termination of Shri Jata Shankar's services was bad, it did not order his reinstatement in view of the strained relationship between the parties and on account of the circumstances disclosed in the case. Therefore, in lieu of reinstatement the Tribunal awarded him; (i) one month's notice pay with usual allowances; (ii) fifteen days' wages for each completed year of service to be reckoned from the date Shri Jata Shankar joined the service of the Sangh upto the date of his removal; and (iii) wages for the period commencing from the date of dismissal upto date minus the sum of Rs. 1900/- earned by Shri Jata Shankar from the Gram Udyog Vikas Samiti Jaipur.

3. In challenging the award of the Industrial Tribunal Shri N. M. Kasliwal, learned Advocate for the Sangh, has made a four-fold submission. In the first instance he argues that Shri Jata Shankar not being a workman within the meaning of Section 2(s) of the Industrial Disputes Act, the reference made by the Government was illegal and the Tribunal had, therefore, no jurisdiction to deal with the matter. Secondly, it was contended that the Saranjan Udyog Karamchari Union, Jaipur, could not take up the cause of Shri Jata Shankar as the workman of the Union did not belong to the same Sangh as Shri Jata Shankar. Thirdly, it was submitted that the principles of natural justice were not attracted to the proceedings before a domestic tribunal like the Sangh dealing with the case of its employees. Alternatively it was urged that enough opportunity having been given to Shri Jata Shankar to clear his position no further enquiry was necessary. Lastly, it was argued that the Industrial Disputes Act does not apply to co-operative societies under the Rajasthan Co-operative Societies Act, 1953, and if there was any dispute between the co-operative society and its employees it has to be resolved by arbitration u/s 61 of the Rajasthan Co-operative Societies Act.

4. Learned counsel for the respondent has entered caveat on all these points. We may now deal with the several points mentioned above one by one starting from

the first.

5. The term "workman" has been defined in the Industrial Disputes Act, as follows: "Section 2(s) "workman" means any person (including an apprentice) employed in industry to do any skilled or unskilled, manual, supervisory, technical or clerical work for hire or reward, whether the terms of employment be expressed or implied. and for the purpose of any proceeding under this Act in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connection with or as a consequence of, that dispute, or whose dismissal, discharge or retrenchment has led to that dispute, but does not include any such person--

(i) who is subject to the Army Act, 1950, or the Air Force Act, 1950, or the Navy (Discipline) Act, 1934; or

(ii) who is employed in the police service or as an officer or other employee of a prison; or

(iii) who is employed mainly in a managerial or administrative capacity; or

(iv) who, being employed in a supervisory capacity, draws wages exceeding five hundred rupees per mensem or exercises, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature."

6. The term "industry" means any business, trade, undertaking, manufacture or calling of employers and includes any calling, service, employment, handicraft, or industrial occupation or avocation of workmen (vide Section 2(j)):

7. The term "industrial dispute" means any dispute or difference between employers and employers or between employers and workmen, or between workmen and workmen, which is connected with the employment or non-employment or the terms of employment or with the conditions of labour, of any person (vide Section 2(k).)

8. Now a person is a workman if he is employed in any industry to do any skilled or unskilled manual, supervisory, technical or clerical work for hire or reward. It is only those workmen who are employed mainly in a managerial or administrative capacity or those who are employed in a supervisory capacity or draw wages exceeding five hundred rupees per mensem, who are excluded from this definition. It is not the petitioner's case that Shri Jata Shankar was drawing wages exceeding Rs. 500/- per month. Petitioner's main contention is that Shri Jata Shankar was a Manager and, therefore, he could not be regarded as a workman within the meaning of this section. Tribunal has gone into this matter. It has noticed that though Shri Jata Shari-kar was a Manager uptill 23-12-61, he was relieved of that office from that day The Tribunal then considered the duties that Shri Jata Shankar had been discharging after he was relieved as Manager and it came to the conclusion that he was only a clerk after he handed over the charge of the Manager.

Whether Shri Jata Shankar was discharging managerial or clerical duties is only a question of fact and we have not been persuaded to hold that the Tribunal had committed any error of law in reaching its conclusion by disregarding the requirement of the definition of the term "workman". Learned counsel for the petitioner has tried to reap capital out of Shri Jata Shankar describing himself one time as Chief Accounts Officer and at other time as Manager subsequent to his having been relieved as Manager, but. this unjustified assumption of a higher role by Shri Jata Shankar, though it may be condemnable, cannot advance the case of the petitioner. The Industrial Tribunal has properly appreciated even this aspect of the matter and, as we have already observed, the question being one of fact we are not in a position to disturb the finding arrived at by the Industrial Tribunal in this regard.

9. Turning now to the second question we may observe that the petitioner has not brought out in his writ petition as to what kind of business trade or undertaking the Sangh was carrying on and it has also not been stated as to in what kind of industry or work the members of the Saranjan Udyog Karmchari Union are engaged. To our mind, this matter does not appear to have been properly raised and argued before the Industrial Tribunal as it had made no comments regarding this in its award. We have, therefore, no reason to think that the members of the Saranjan Udyog Karmchari Union are not workers in the same industry. It is not necessary that the cause of a workman should be sponsored by workmen in the same establishment. It has been held in a very recent case of the Supreme Court reported as *Workmen of Dharampal Premchand (Saughandhi) Vs. Dharampal Premchand (Saughandhi)*, that union of workmen in one establishment can represent cause of workmen in another establishment though belonging to the same industry. We are, therefore, unable to find any merit in the second contention as well.

10. Now as regards the plea about violation of the principles of natural justice, the Tribunal has held against the petitioner. It is late in the day to argue that the rules of natural justice need not be followed by a domestic tribunal or that it will not afford a legitimate ground to an Industrial Tribunal to interfere with the orders of the domestic tribunal. Quite a large number of cases were placed before us by Shri M. Mridul, learned counsel for the respondent, and we may notice a couple of them.

11. In *Ananda Bazar Patrika (P) Ltd. Vs. Its Workmen*, their Lordships of the Supreme Court observed as follows :--

"If the termination of an industrial employee's services has been preceded by a proper domestic enquiry which has been held in accordance with the rules of natural justice and the conclusions reached at the said enquiry are not perverse, the Tribunal is not entitled to consider the propriety or the correctness of the said conclusions. If, on the other hand, in terminating the services of the employee, the management has acted maliciously or vindictively or has been actuated by a desire to punish the employee for his trade union activities, the Tribunal would be

entitled to give adequate protection to the employee by ordering his reinstatement, or directing in his favour the payment of compensation."

In dealing with the question about the applicability of principles of natural justice to domestic enquiries and their disregard furnishing a ground for interference with the order of dismissal at the hands of the Industrial Tribunal their Lordships observed in *Kesoram Cotton Mills Ltd. Vs. Gangadhar and Others*, as follows--

"It may be accepted that rules of natural justice do not change from tribunal to tribunal. Even so the purpose of rules of natural justice is to safeguard the position of the person against whom an inquiry is being conducted so that he is able to meet the charge laid against him properly. Therefore, the nature of the inquiry and status of the person against whom the inquiry is being held will have some bearing on what should be the minimum requirements of the rules of natural justice. Where, for example, lawyers are permitted before a tribunal holding an inquiry and the party against whom the inquiry is being held is represented by a lawyer it may be possible to say that a mere reading of the material to be used in the inquiry may sometime be sufficient. But where in a domestic inquiry in an industrial matter lawyers are not permitted something more than a mere reading of statements to be used will have to be required in order to safeguard the interest of the industrial worker. Further, the Court can take judicial notice of the fact that many of the industrial workers are illiterate and sometimes even the representatives of labour union may not be present to defend them. In such a case to read over a prepared statement of a witness in a few minutes and then ask the workmen to cross-examine would make a mockery of the opportunity that the rules of natural justice require that the workmen should have to defend themselves. Therefore, when one is dealing with domestic inquiries in industrial matters, the proper course for the management is to examine the witnesses from the beginning to the end in the presence of the workman at the inquiry itself. Oral examination always takes much longer than a mere reading of a prepared statement of the same length and brings home the evidence more clearly to the person against whom the inquiry is being held. Generally speaking therefore the Court should expect domestic inquiry by the management to be of this kind. Even so, the main principles of natural justice cannot change from tribunal to tribunal and therefore it may be possible to have another method of conducting a domestic inquiry (though this should not be the rule but the exception). The minimum that the Court shall expect where witnesses are not examined from the very beginning at the inquiry in the presence of the person charged is that the person charged should be given a copy of the statements made by the witnesses which are to be used at the inquiry well in advance before the inquiry begins and it should be given at least two days before the inquiry is to begin. If this is not done and yet the witnesses are not examined in chief fully at the inquiry, it cannot be said that principles of natural justice which provide that the person charged should have an adequate opportunity of defending himself are complied with in the case of a domestic inquiry in an industrial matter. Where all that had happened was that the

prepared statements were read over to the workmen charged and they were asked then and there to cross-examine the witness the inquiry did not comply with the principles of natural justice. "The inquiries were vitiated by disregard of rules of natural justice is correct".

(Underlining (here in " ") is ours).

It is, therefore, idle to argue that disregard of rules of natural justice will not vitiate proceedings taken by a domestic tribunal like the Manager of the Sangh in the present case. The other cases stating the same principles are : Tata Oil Mills Co. Ltd. Vs. Its Workmen, Khardah Co. Ltd. Vs. Their Workmen, Mckenzie and Co. Ltd. Vs. Its Workmen and Others, and Indian Iron and Steel Co., Ltd. and Another Vs. Their Workmen,

12. We have gone through the various charges framed against Shri Jata Shankar as also the order of termination of his services. It is sufficient to observe that Shri Jata Shankar has been punished, amongst other things, for using intemperate and objectionable language in his reply to the charges. Now, if this was to be taken as one of the grounds for taking action against him, Shri Jata Shankar ought to have been served with an additional charge-sheet, but this was not done. Apart from this the charges were quite detailed and as Shri Jata Shankar had not admitted his guilt, a proper enquiry was necessary. We are, therefore, unable to hold that the Tribunal has exceeded its jurisdiction or has otherwise committed any illegality in holding that the order passed against Shri Jata Shankar was vitiated for lack of a proper enquiry.

13. We may now direct attention to the fourth point.

14. Section 61 of the Rajasthan Co-operative Societies Act. runs as under:--

"Section 61. Arbitration :-- (1) If any dispute touching the business of a society (other than dispute regarding disciplinary action taken by the society) arises between members or past members of the society or person claiming through a member or past or deceased member, or between members or past members or person so claiming and any officer, agent or servant of the society past or present or between the society or its committee and any officer, agent member or servant of the society, past or present it shall be referred to the Registrar for decision by himself or his nominee or if either of the parties so desire, to arbitration of three arbitrators who shall be the Registrar or his nominee and two persons of whom one shall be nominated by each of the parties concerned.

(2) A dispute shall include claims by a society for debts or demands due to it from a member or past member or the heirs or assets of a past member whether such debts or demand be admitted or not.

Provided that if the question at issue between a society and claimant or between different claimants, is one involving complicated questions of law or fact the Registrar may, if he thinks fit, suspend proceedings in the matter until the question has been tried by a regular suit instituted by one of the parties or by

the society;

(d) If no such suit is instituted within six months of the Registrar's order suspending proceedings the Registrar shall take action as laid down in Sub-section (1) of this section."

15. From the apparent tenor of this section it is argued that as the section provides for the settlement of disputes between the co-operative societies and their servants the machinery of arbitration has to be resorted to and the employees of the societies are not entitled to raise an industrial dispute. Shri N. M. Kasliwal has placed reliance on two decisions of the Bombay High Court reported as *G.I.P. Railway Employees Co-operative Bank Ltd. Vs. Bhikhaji Merwanji Karanjia*, and *Bagicha Mills Co-Operative Society Ltd. Vs. Natwarlal Mulshankar Joshi*,

In the first case the question that the learned Judge had to consider was whether the parties should comply with an arbitration agreement between them by resorting to the provisions of Arbitration Act, or they should approach the Special Court created by Section 54 of the Bombay Cooperative Societies Act. The learned Judge observed as follows :--

"The Bombay Co-operative Societies Act, 1925, sets up a Special Court with a special jurisdiction and with special powers to try matters referred to in Section 54. Both the question of the validity of the arbitration agreement and the question of the validity of the award referred to in Section 33, Arbitration Act, are to be decided by the Special Court set up under the Bombay Co-operative Societies Act, 1925, and not by the ordinary Court as provided in Section 33, Arbitration Act. All matters relating to these arbitration proceedings are to be determined by the authorities set up by the Co-operative Societies Act".

We are afraid, this passage cannot help the petitioner for two reasons. In the first place, the question in that case was whether arbitration had to be done under the general law or under the special law which is not the point before us and secondly, the case was decided before the passing of the Industrial Disputes Act, 1947, whose provisions thus could not have come up for consideration. This case is, therefore, of no use to the petitioner.

16. In the second case namely, (1958) 60 Bom LR 1363 the learned Judge had to consider the question whether the scheme of compulsory arbitration envisaged u/s 54 of the Bombay Co-operative Societies Act, 1925, ceased to be valid with the enforcement of the provisions of the Payment of Wages Act. The learned Judge held that the two forums created by the Co-operative Societies Act and the Payment of Wages Act were competent and were equally efficacious to give the remedy. The relevant observations of the learned Judge were as follows :---

"My attention was drawn by Mr. Kazi to a decision of this Court reported in *Ma-joor Sahkari Bank Ltd. v. N. M. Majumdar* (1955 Bom LR 1097). In that case the Bombay Industrial Disputes Act was made applicable to the business of banking

companies and the question was whether that notification applied to the particular bank which was doing banking business and the Court, held that it did apply to that society; and what we pointed out in the judgment was that Section 54 would not apply to a case like this, because the questions that arose under the Industrial Disputes Act are not matters which can be dealt with by a civil Court and also pointed out that to hold that the notification does not apply would cause obvious injustice because whereas the employees of other banks would be protected by the Industrial Disputes Act and would be getting all the benefits conferred under that Act, the employees of the co-operative societies, although doing the business of banking, will be deprived of the benefits merely because of Section 54 of the Bombay Cooperative Societies Act. That argument cannot apply to the question before me in this revision application. By holding that the employees must go to compulsory arbitration u/s 54, I am not doing anything which will cause injustice to these employees. The arbitrators are as competent to give them reliefs which they seek as is the Authority under the Payment of Wages Act. The only question before me is which is the forum to which the employees should go. Both the forums are competent to give reliefs and, as I have already pointed out, both the forums are equally efficacious and the remedy can be obtained by a summary procedure. On the whole, I would hesitate to hold that Section 54 has been abrogated in the case of a dispute between a co-operative society and its employees, unless there was a clear provision of law to that effect, and I do not see such a clear provision of law in Section 38 of the Bombay Shops and Establishments Act and the notification dated March, 3, 1955, issued by Government."

This case thus, to our mind, does not establish, in any manner, that the workmen are precluded from seeking relief from an Industrial Tribunal merely because there is a provision for arbitration in Section 61 of the Rajasthan Co-operative Societies Act. Nor are we persuaded to hold that the Industrial Tribunal had acted without jurisdiction in dealing with the Industrial dispute referred to it. We may further observe that Section 61 of the Rajasthan Co-operative Societies Act is a general provision dealing with all kinds of co-operative societies and they may not necessarily be engaged in any industry so as to attract the provisions of the Industrial Disputes Act. Moreover, Section 61 of the Rajasthan Co-operative Societies Act embraces disputes between society and members or its past members or between members and members or between the society and its servants or agents, whereas the Industrial Disputes Act will cover only such disputes as arise between workmen in an industry and their employers. Thus the Rajasthan Co-operative Societies Act and the Industrial Disputes Act, 1947, work in their respective fields. The Industrial Disputes Act could be resorted to only for the settlement of industrial disputes and not, other kinds of disputes. Therefore, provisions of sec. 61 of the Rajasthan Co-operative Societies Act will not necessarily exclude the applicability of the Industrial Disputes Act to a dispute between a co-operative society which is engaged in an industry and its workmen.

Apart from everything the opening words of Section 61 of the Rajasthan Co-

operative Societies Act, 1953, set out above, and particularly the words occurring within brackets in that section exclude disputes relating to disciplinary action taken by the society. The present is a case where the Sangh has taken a disciplinary action against its employees and, therefore, we do not think it is permissible to resort to the machinery provided in Section 61 of the Rajasthan Co-operative Societies Act, 1953, for settlement of such a dispute. We are fortified in the view we have taken by Co-operative Milk Societies Union Ltd. Vs. State of West Bengal and Others, Rambhau Jairam Dhamange v. Vinkur Co-operative Society Limited 1 LLJ 90 and District Cooperative Bank, Gorakhpur v. Its Employees (1962) 1062 LLJ 704 . We are, therefore, unable to accept the contention raised by the learned counsel for the petitioner as tenable. Thus, we do not find force in any of the contentions raised by the learned counsel for the petitioner in challenging the award of the Industrial Tribunal.

17. We may now turn to Shri Ram Swarup's case. Shri Ram Swarup was employed as an Accountant in the office of the Sangh. Concurrently Shri Ram Swarup Mathur happened to be the Secretary of one Indergarh Khadi Utpadak Sahkari Samiti Limited, Indergarh which was affiliated to the Sangh. It appears that the Chairman of the Sangh had issued an order on 17-10-61 that the employees of the Sangh could not become the office bearers of the Co-operative Societies affiliated with the Sangh and if they happened to be so, they have to leave either the membership of the Society or the employment of the Sangh. In pursuance of this standing order the Manager of the Sangh by his letter dated 3-1-62 (Ex-5 on the record) asked Shri Ram Swarup Mathur to exercise his option under the aforesaid order of the Chairman and intimate him accordingly.

In reply to this letter Shri Ram Swarup Mathur stated to say that as the Sangh had already held that the Indergarh Society was outside the field of operation of the Sangh he could continue to be a member of the Indergarh Society and the Chairman's order dated 17-10-61 did not affect him. He also stated that the situation would be placed before the Managing Committee of the Indergarh Society and he would then convey the decision of that society in the matter. Being not satisfied with what Shri Ram Swarup Mathur had written the Sangh dismissed Shri Mathur from its service by its order dated 17-2-62. The case thereafter runs parallel to that of Shri Jata Shankar. The Saranjan Udyog Karamchari Union espoused the cause of Shri Ram Swarup Mathur and the State Government referred the following question to the Industrial Tribunal :--

"Whether the termination of the services of Shri Ram Swarup Mathur (represented by the Saranjan Udyog Karmchari Union, Jaipur) by the Kendriya Sarvodaya Sahkari Sangh Limited, Jaipur is unjustified and illegal? If so, to what relief Shri Ram Swarup Mathur is entitled?"

It was canvassed before the Tribunal on behalf of Shri Mathur as was done on behalf of Shri Jata Shankar, that in ordering the dismissal of Shri Mathur the Sangh had disregarded the principles of natural justice inasmuch as no enquiry was held before dismissing Shri Ram Swarup Mathur. The observations made by

the Industrial Tribunal were as follows :--

"It is conceded on behalf of the Sangh by its officiating Manager, Shri Ram Ballabh Sharma, that no enquiry was instituted before issuing an order of dismissal of Shri R. S. Mathur. Consequently it is apparent that he was not afforded any opportunity to show to the management how his membership of the Indergarh Society was or was not in contravention of the order of the Chairman. The principles of natural iustice have been clearly violated by the management in dismissing Shri R. S. Mathur in not affording him an opportunity to show cause against the charges held to be established by the Management against Mm.

The two letters referred to by Shri Ram Swarup Mathur in his letter Ex. D.2 were placed before the Tribunal and they contain an averment on behalf of the Sangh to the effect that Indergarh Society did not fall within the field of operation of the Sangh. These letters could thus afford some ground to Shri R. S. Mathur to think that his membership of the Indergarh Society did not fall in the mischief of the order of the Chairman, Ex. D.4. There was thus a case for enquiry and had it been undertaken he would have at least got an opportunity of placing his view point before the Management, The order of dismissal is under these circumstances improper and unjust inasmuch as principles of natural justice were violated thereby."

Though the Tribunal held that the termination of Shri Mathur's services was unjustified it did not order his reinstatement, but instead granted him compensation, as was done in the case of Shri Jata Shankar.

18. Shri N. M. Kasliwal, appearing for the Sangh, has argued as he did in the case of Shri Jata Shankar that principles of natural justice were not required to be followed by the Management and there was no scope for enquiry. We have already held that there is no substance in the argument that principles of natural justice were not required to be followed by the petitioner before it could order the dismissal of its employees. We are also not persuaded to hold that the Industrial Tribunal was in error in thinking that there was a case for enquiry and had it been held the employee at least would have got an opportunity of placing his view point before the Management. In the circumstances we are thus not inclined to hold that the award of the Tribunal calls for interference.

19. In the result we do not find any force in the writ petitions which we hereby dismiss, but in the circumstances of the case we leave the parties to bear their own costs.