

(2002) 09 JH CK 0059
In the Jharkhand High Court
Case No : CWJC No. 2664 of 1997

Management of Central Roller Flour Mills (Pvt.) Ltd.	APPELLANT
Vs	
The Presiding Officer, Labour Court	RESPONDENT

Date of Decision : 12-09-2002

Acts Referred:

Citation : (2002) 09 JH CK 0059

Hon'ble Judges : S.J. Mukhopadhaya, J

Bench : Single Bench

Advocate : S.S. Sakshi, for the Appellant;

Final Decision : Dismissed

Judgement

S.J. Mukhopadhaya, J.—This writ petition has been preferred by Management of Central Roller Flour Mills (Pvt.) Ltd. against the Award dated 28th October, 1997, pronounced on 10th June, 1997 by the learned Presiding Officer, Labour Court, Ranchi in Reference Case No. 1/91 whereby the Labour Court held the dismissal of concerned workmen illegal and directed the management to reinstate them with full back wages.

2. Counsel for the petitioner submitted that the Tribunal cannot hold the dismissal bad merely on the ground that no enquiry was conducted by the Management. It should have enquired the matter on appraisal of the evidence on record to find out whether the charges levelled against the workmen stand proved or not. However, such admission cannot be accepted in the facts and circumstances of the present case, as mentioned hereunder.

3. It will appear that the Management charge-sheeted the workmen, Sarvashree Manager Roy, Devki Das Sharma, Paras Roy and Dineshwar Das Sharma on 9th June, 1990 and asked them to submit their explanation within five days otherwise the Management shall take decision ex parte. The workmen submitted their reply denying the charges. Thereafter, another charge-sheet was issued on 15th June, 1990 against Manager Roy and Paras Roy for alleged misconduct

committed on 22nd May, 1990, 25th May, 1990, 22nd August, 1989 and 26th June, 1989. The aforesaid two workmen again denied the charges vide reply dated 16th June, 1990. Thereafter the workmen were dismissed from the services vide order issued on 23rd June, 1990.

4. Admittedly, no departmental proceeding was conducted by any enquiry-officer to bring home the charges against the workmen. Within a week or ten days of charge-sheet the workmen were dismissed from services inspite of their denial of charges. In the aforesaid background, if the learned Presiding Officer, Labour Court, Ranchi declared the action of Management and the order of dismissal as illegal, I find no reason to interfere with the Award.

5. It will be evident from the Award that on behalf of Management, no request was made to hold an enquiry. Though such prayer was made in the written statement but the prayer was not pressed, as evident from the Award. Further, in absence of any evidence on record, no list of evidence having cited by the Management, there was no occasion for the learned Presiding Officer, Labour Court, Ranchi to decide the legality and propriety of the order of removal/dismissal on merit. There being no merit, I am not inclined to interfere with the Award. The writ petition is dismissed.

6. However, this order will not stand in the way of Management to take appropriate action, if the workmen are convicted by the competent court of law.