
(2012) 09 UK CK 0013
In the Uttarakhand High Court
Case No : Writ Petition No. 1813 of 2012

M/s. Dabur India Ltd.

APPELLANT

Vs

Presiding Officer, Kashipur and Another

RESPONDENT

Date of Decision : 03-09-2012

Acts Referred:

Uttar Pradesh Industrial Disputes Act, 1947 — Section 4K

Citation : (2013) 136 FLR 979 : (2012) 3 UC 1955

Hon'ble Judges : B.S. Verma, J

Bench : Single Bench

Advocate : S.N. Babulkar and Ravi Babulkar, for the Appellant; Ajay Singh Bisht, for the Respondent

Final Decision : Dismissed

Judgement

B.S. Verma, J.—By means of this writ petition, the petitioner has prayed to set aside the order dated 14.8.2012 (Annexure No. 1) passed by Labour Court (respondent No. 1) in adjudication case No. 11 of 2008, M/s. Dabur India Pvt. Ltd. v. Raspinder Singh.

Against the termination order, the respondent No. 2 raised an industrial dispute, which was referred by the State Government. The reference u/s 4-K of The U.P. Industrial Disputes Act, 1947 was made by the State Government i.e. "whether the termination dated 7.3.2006 of the workman Sri Raspinder Singh S/o Late Sri Baldev Singh by its employer is valid or not and if it is not valid then what compensation/benefits the related workman is entitled for any other relief". The Labour Court issued notices to the parties. The workman as well as the employer/petitioner filed their written statements and rejoinder affidavits were also exchanged. Thereafter, on the application dated 22.4.2009 moved by the workman, the Labour Court framed an issue i.e. "whether the domestic enquiry conducted by the employer against the workman was against the principles of natural justice". After framing of this issue, the petitioner-employer moved an application dated 5.6.2012 (annexed as Annexure S.C.A. No. 1 with the short

counter-affidavit) before the Labour Court to the effect that the issue framed by the Court be decided as preliminary issue before compelling the employer petitioner to adduce evidence. The learned Labour Court, after hearing both the parties, passed the impugned order dated 14.8.2012 and decided the issue against the petitioner-employer and gave finding against the domestic enquiry and termed it as defective and against the principle of natural justice during the pendency of the case.

Learned Senior Counsel Sri S.N. Babulkar has contended that the Labour Court has exceeded its jurisdiction and decided the matter finally at the interim stage. It is further contended that after rendering the whole enquiry defective nothing is left with the Labour Court to decide finally. After its decision on the preliminary issue, the Labour Court has given opportunity to the petitioner to prove charges and the date is fixed for 4.9.2012.

2. In the light of the aforesaid, without entering into the merits of the case, the Court is of the view that since the preliminary issue has been decided on the request of the employer-petitioner, therefore, this Court does not find any error in deciding the preliminary issue by the impugned order. The writ petition is dismissed. The Labour Court is directed to decide the reference, made by the State Government, on merit, after considering the evidence adduced by the employer in addition to earlier evidence. Certified copy of the order shall be made available to the learned Counsel for the parties by tomorrow on payment of usual charges.