

(2002) 10 AHC CK 0107
In the Allahabad High Court
Case No : C.M.W.P. No. 30957 of 1995

Rekhi Spring Co.

APPELLANT

Vs

Presiding Officer, Industrial Tribunal and Another

RESPONDENT

Date of Decision : 23-10-2002

Acts Referred:

Uttar Pradesh Industrial Disputes Act, 1947 — Section 4K

Citation : (2003) 1 AWC 198 : (2002) 95 FLR 1061 : (2003) 1 UPLBEC 685

Hon'ble Judges : Anjani Kumar, J

Bench : Single Bench

Advocate : Sudhir Chandra, A.K. Srivastava and Sanjay Mishra, for the Appellant; A.P.N. Giri and S.C., for the Respondent

Final Decision : Dismissed

Judgement

Anjani Kumar, J.—Heard learned counsel for the parties.

2. The petitioner-employer has filed this writ petition against the order dated 27.5.1995 passed by the Industrial Tribunal-1, U. P., Allahabad, passed in Adjudication Case No. 153 of 1992. The following preliminary issue was framed by the Industrial Tribunal :

"Whether the domestic enquiry held by the employer was fair, reasonable and not violative of principles of natural justice?"

3. The Industrial Tribunal in the order impugned has arrived at the conclusion that the domestic enquiry, as held by the employer, is unfair, improper and violative of the principles of natural justice. The preliminary issue is, therefore, decided in favour of the workman and against the employer. Thereafter, the Industrial Tribunal has fixed 18th July, 1995, for evidence, if any, to prove the charges and on other points involved in the case. The employer instead of adducing the evidence to prove the preliminary issue has rushed up to this Court by filing the present writ petition.

4. This Court has been pleased to pass an interim order in favour of the petitioner that has resulted In stay of proceeding before the Industrial Tribunal beyond the order dated 27th May, 1995, which is impugned in the present writ petition.

5. It is well-settled that this Court In exercise of power under Article 226 of the Constitution of India, normally, do not interfere with the interlocutory order. It is not disputed that the present order, which is impugned in this writ petition, Is interlocutory in nature. Further petitioner-employer, as stated above, are given liberty by the Industrial Tribunal to adduce evidence to prove the charges against the workman concerned even if no specific order is passed, by filing an application before the Industrial Tribunal for opportunity to prove the charges before the Tribunal. In these circumstances, it is not a fit case for interference by this Court in exercise of power under Article 226 of the Constitution of India, at this stage.

6. In view of what has been stated above, this petition deserves to be dismissed and is hereby dismissed. Since the matter is fairly old, the Industrial Tribunal is directed to decide the same expeditiously. The interim order, if any, stands vacated. However, there shall be no order as to costs.