
(2004) 11 MAD CK 0075
In the Madras High Court
Case No : W.A. No. 185 of 2002

Shanmugam S.

APPELLANT

Vs

Presiding Officer, Labour Court and Another

RESPONDENT

Date of Decision : 23-11-2004

Acts Referred:

Constitution of India, 1950 — Article 311(2)
Evidence Act, 1872 — Section 58
Industrial Disputes Act, 1947 — Section 33(2)

Citation : (2005) 2 LLJ 315 : (2005) 1 MLJ 223

Hon'ble Judges : V. Kanagaraj, J; Thanikachalam, J

Bench : Division Bench

Advocate : N.G.R. Prasad, for Row and Reddy, for the Appellant; Gupta, for Gupta and Ravi, for the Respondent

Judgement

Thanikachalam, J.—The employee, who was dismissed from service unceremoniously (as claimed), is the appellant.

2. The facts beyond the pale of controversy:

(a) The appellant/writ-petitioner was appointed as Branch Assistant on June 15, 1967 in the office of the second respondent Co-operative Store. Thereafter, he was transferred to Tirupathur Branch as Branch Manager, where he worked till June 30, 1974 and thereafter, transferred to the Head Office at Vellore.

(b) The second respondent felt that during the tenure of the petitioner as Branch Manager, he had committed certain irregularities, including causing deficit in the stock, resulting issue of a charge memo, dated March 11, 1975, for which an explanation, dated March 27, 1975, has been submitted. The explanation offered by the appellant/writ-petitioner failed to satisfy the employer/ management and the result was his suspension on August 21, 1975. After the suspension, it seems, no domestic enquiry has been conducted, but a charge memo with four charges, has been issued, dated February 23, 1976, for which, the petitioner had submitted his explanation, dated March 1, 1976.

3. The charges are:

(i) that he has caused deficiency to the assets of the society by way of stock deficit for Rs. 3,310.53 during the year 1974-75.

(ii) that he had indulged in manipulation and fraudulent way by misappropriation of sale proceed for Rs. 780.57 sugar and rice.

(iii) that he has allowed stock deficit for Rs. 18,723.93 at grocery, cosmetic and general Sections in Tirupathur Mini Super Market, during his period of service.

(iv) that he is found guilty of breach of trust and criminal action for misappropriation of goods and sales.

4. The employer, without conducting domestic enquiry, had dismissed the employee on April 21, 1976. The petitioner's effort to set aside the dismissal order, which was passed without domestic enquiry, by preferring appeal to the Registrar, ended in vain. Thereafter, the appellant/writ-petitioner, initiated conciliation before the Labour Officer, Vellore, which also failed, thereby compelling the petitioner, to file W.P.No. 254 of 1981 for reference of the dispute. As per the order passed by this Court in W.P.No. 245 of 1981, the Government referred the matter for adjudication in I.D.No. 173 of 1987, which was transferred to Labour Court, Vellore, and taken as I.D.No. 55 of 1992. The management contended, that the petitioner/writ appellant had (dismissed) all the charges, and therefore, he was dismissed without formal domestic enquiry, since admitted things need not be proved by the examination of the witnesses.

5. The learned Presiding Officer, Labour Court, Vellore, considering the rival contentions of the parties, perusing the documents, which were exhibited as Exhibit W-1 to W-19 and Exhibits M1 to M12 had come to the conclusion that there was no domestic enquiry, that no opportunity has been given to the petitioner before his dismissal, that to prove the charges against the writ-petitioner/appellant, the employer/ management has not examined any witnesses and that when no opportunity has been given to the petitioner, since he had not admitted his guilt before the enquiry officer candidly, the dismissal of the petitioner from service, not only violated the protection given for the employees, but also violated the natural justice required and that in the absence of holding domestic enquiry, without giving an opportunity to the petitioner, the order dismissing the petitioner from service, is unjust and against all the norms, which should be followed under the Rules and Regulations. Thus concluding, the learned Presiding Officer, passed an award on April 6, 1993, directing the management to reinstate him in service, with back-wages, which was challenged by the society, before this Court in W.P.No. 19068 of 1993.

6. The learned single Judge, having gone through the detailed order passed by the Presiding Officer, Labour Court, appears to have felt that the procedure adopted by the Labour Court, in marking the document, without the examination of the witnesses, is against the law. The learned single Judge concluding so, not

deciding the rights of the parties on any other grounds, on merit, allowed the writ petition, thereby setting aside the award passed by the Labour Court in I.D.No. 55 of 1992, only on the sole ground, that the documents were marked without oral evidence and the award passed on the basis of the documents alone, without oral evidence, is unsustainable under law. In this view, the learned single Judge, allowing the writ petition, upset the findings of the Presiding Officer, Labour Court, thereby confirming the dismissal order which is under challenge in this appeal.

7. Heard the learned senior counsel for the appellant, Sri N.G.R. Prasad and the learned counsel for the second respondent, Sri Gupta.

8. The learned senior counsel, Sri N.G.R. Prasad appearing for the appellant/writ petitioner submitted, that the learned single Judge had committed an error in allowing the writ petition, only on the ground, that the documents were marked without oral evidence and therefore, the award passed by the Presiding Officer, Labour Court, is unsustainable in law, since the same is against the Evidence Act, as well as against the admitted facts also. In this view, he would urge that the appeal deserves acceptance, since admittedly, there was no domestic enquiry as contemplated under the rules and regulations. It is the further submission of the learned senior counsel for the appellant/writ petitioner, that at no point of time, the employee has admitted the alleged misappropriation or deficit in stock occurred during this tenure or any other misconduct, as levelled in the charges and the position being so, the dismissal order passed by the employer is liable to be set aside, since no opportunity has been given to the employee, offending the natural justice, which was rightly considered by the learned Presiding Officer/Labour Court, which is unnecessarily upset by the learned single Judge on the ground, which is not at all raised by the second respondent and available.

9. The learned counsel for the second respondent, Sri Gupta, countering the above arguments submitted, that in fact when explanation was called for, issuing charge memo, the delinquent employee had admitted his guilt and in view of the clear admission, the management felt no further, empty formality of conducting domestic enquiry is, necessary and in this view, an order passed on the basis of admission, dismissing the appellant from service should have the legal recognition also, which was rightly accepted by the learned single Judge. It is the further submission of the learned counsel for the second respondent, that even assuming, that without domestic enquiry, as contemplated under the rules, the appellant had been dismissed from service, considering the long period, the appropriate order would be, no reinstatement of the employee with back wages, but it is desirable to award compensation alone.

10. The Joint Registrar/Special Officer in his order, dated April 21, 1976, observed, that a domestic enquiry was conducted where Sri Shanmugam has accepted the stock deficit for Rs. 3,710.53, actually caused by him and thereby he is responsible for the stock deficit of the above amount. The order does not say who are the witnesses examined to prove the stock deficit or the alleged

misappropriation. The order of dismissal is also eloquently silent, on what basis the Joint Registrar had come to the conclusion, that the misappropriation to the tune of Rs. 780.57 has been proved. Without giving any finding on the basis of the materials if any, which are essential in a case of dismissal of an employee, the Joint Registrar had observed, as if all the charges against the employee are proved and therefore, he is an unreliable and untrustworthy person, who had indulged in manipulation of accounts and funding the bills willfully and such a person deserves only dismissal from service on the basis of the misconduct and misappropriation of goods and cash. The order itself says that the appellant had caused deficiency to the assets for Rs. 3,310.53 only during the year 1974-75. The second charge reads that he had misappropriated a sum of Rs. 780.57, being the amount representing the sale proceeds for sugar and rice. The third charge says he allowed stock deficit for Rs. 18,723.93. The fourth charge says, that the appellant is guilty of breach of trust. Our effort, to find out, how the enquiry officer had come to the conclusion that the above charges are proved, ended in vain, whether it is on the basis of the admission or on the basis of the materials, available in the office. Therefore, prima facie, a cursory reading of the order would make it abundantly clear, that the employee was dismissed from service on certain grounds, which are not at all proved by conducting a domestic enquiry, as understood under law. Nowhere in the order it is said that in the explanation dated March 1, 1976 the appellant had admitted about all the charges and therefore, the formality viz., the domestic enquiry is dispensed with, since in view of the admission, the domestic enquiry would be only an empty formality.

11. The learned Presiding Officer, Labour Court considering the admitted fact, that there was no domestic enquiry and the employee was not given sufficient opportunity, to defend his case, by examining himself, and letting in evidence has come to an unerring conclusion, in our considered opinion, that the dismissal order passed by the management, without domestic enquiry was against the law and natural justice, which should deserve acceptance.

12. The submission of the learned senior counsel Sri N.G.R. Prasad appearing for the appellant that the learned single Judge had committed error in allowing the writ petition, only on the ground that the documents were admitted without examination of any witnesses, deserves acceptance since in our considered opinion, the learned single Judge has not adverted to the legal position, namely, Section 58 of the Indian Evidence Act, which says, no fact need be proved, if the parties thereto agreed to admit certain facts. The proceedings in this case, before the learned Presiding Officer, Labour Court, disclosed the fact, that the documents were admitted and marked by consent, thereby indicating, the formal proof of examination of the witnesses is dispensed with. In other words, as per the consent given by the parties, the documents marked are not at all disputed, and the parties have in a way admitted its contents also. In view of the fact, that none of the documents marked in this case, before the Labour Court was in dispute, the question of examining any witness, by adducing oral evidence, to

prove contents of the document would not at all arise for consideration. In fact, as seen from averments in the writ petition, it is also not the case of the employer, that the Presiding Officer had committed any error, by marking the document without the examination of any witness to prove the same. When the admitted position being so, it is unfortunate, that the writ petition was allowed solely on the ground of non-examination of the witness to prove the documents by the learned Presiding Officer, Labour Court.

13. Learned counsel Sri Gupta, appearing for the employer, rightly realising and recognising the legal position has also not urged before us, that the order of the learned single Judge could be sustained on the ground on which it was allowed. But he submits, the ultimate order passed by the learned single Judge, could be sustained on some other grounds, certainly not on the ground on which the writ petition was allowed. Therefore, it is unnecessary for us to dwell upon this point any more, in view of the admitted position at present. Ignoring the reason assigned by the learned single Judge for allowing the writ petition, we would see whether the dismissal order, restored by the learned single Judge, ultimately could be sustained on other grounds.

14. The settled position, that the principles of natural justice must be observed in the conduct of domestic enquiry and the workman concerned must be allowed reasonable opportunity to defend himself, cannot be in controversy, in view of the ratio laid down by the Apex Court in Central Bank of India Ltd. Vs. Karunamoy Banerjee, . It also further makes it mandatory, that "witnesses should be normally examined in the presence of the employee, in respect of the charges; if statements, taken previously and given by the witnesses, are relied on, they should be made available to the workman concerned; the workman should be given a fair opportunity to cross-examine witnesses including himself, in support of his defence; and the enquiry officer should record his findings, based upon the evidence so adduced". But when the workman had admitted in categorical terms about his guilt, or the charges framed or the misconduct said to have been committed by him then in that case, the empty formality of the domestic enquiry could be dispensed with. This fact is also considered by the Apex Court in the above referred to decision, wherein it is observed as follows at p. 745 of LLJ:

"..... But if the workman admits his fault, to insist upon the management to let in evidence about the allegation will only be an empty formality. In such a case it will be open for the management to examine the workman himself in the first instance so as to enable him to offer any explanation for his conduct or to place before the management any circumstances which will mitigate the gravity of the offence....."

Thus it is seen, even in the case of admission by the workman, as per the observation by the Apex Court, it is desirable on behalf of the management, to examine the workman himself in the first instance, so as to enable him to offer explanation.

15. In *Hindustan Aeronautics Ltd. Vs. Shanmugam and another*, a Division Bench of Karnataka High Court took the view, that if the workman had admitted his guilt during the enquiry proceedings it may not be necessary for the management, to conduct a domestic enquiry, since, it would amount to empty formalities, not serving any purpose, since there is no possibility for the workman to go against the admission. In this view, the Division Bench, had observed as follows:

"..... If a workman against whom disciplinary proceedings are instituted of misconduct admits his guilt, there is no necessity for the employer to hold any domestic enquiry. Therefore, where the accused workman, in every one of his statements, namely, those made before the officer holding the domestic enquiry, and the one in reply to the show-cause notice, had admitted his guilt and prayed for mercy and sympathy and he reiterated the same before the Industrial Tribunal, the only order that the Industrial Tribunal can pass in an application by the employer u/s 33(2)(b) of the Industrial Disputes Act, 1947, for dismissal of the workman, would be to grant the application....."

When the workman himself admitted the guilt, there was nothing for the management to be enquired further by leading further evidence. When the admission was there, even non- application of the principles of natural justice will not weigh much....."

On the basis of the above two decisions, and on the basis of the explanation submitted by the employee, for the charges where it is said he had admitted the guilt, the learned counsel for the employer submitted, that the absence of the domestic enquiry, in this case, certainly would not invalidate the dismissal order.

16. Learned counsel countering the above arguments placing reliance upon the celebrated judgment rendered by the Constitution Bench of the Apex Court in *Jagdish Prasad Saxena v. State of Madhya Bharat* (now Madhya Pradesh) AIR 1961 SC 1070 : 1963 I LLJ 325, submitted that if the employer wants to dispense with or avoid the domestic enquiry, the admission, said to have been made by the workman or employee, must be unequivocal, unambiguous, accepting and admitting all the charges, thereby admitting, the guilt also. In the above decision, it is held as follows at p. 329 of LLJ:

"..... In such a case, even if the appellant had made some statements which amounted to admission it is open to doubt whether he could be removed from service on the strength of the said alleged admissions without holding a formal enquiry as required by the rules. But apart from this consideration, if the statements made by the appellant do not amount to a clear or unambiguous admission of his guilt, failure to hold a formal enquiry would certainly constitute a serious infirmity in the order of dismissal passed against him....."

Thus, considering the alleged admission and considering the protection given to the workman under Article 311(2) of the Indian Constitution, the Apex Court has observed further as follows at p. 330 of LLJ:

"..... The departmental enquiry is not an empty formality; it is a serious proceeding intended to give the officer concerned a chance to meet the charge and to prove his innocence. In the absence of any such enquiry it would not be fair to strain facts against the appellant and to hold that in view of the admissions made by him the enquiry would have served no useful purpose. That is a matter of speculation which is wholly out of place in dealing with cases of orders passed against public servants terminating their services."

17. In *Andhra Handloom Weavers' Co-op. Society Vs. Labour Court and Others*, , learned single Judge of Andhra Pradesh High Court, heavily relying upon the above Apex Court rulings as well as some other rulings has held that at p. 263 (head note):

"there is no clear admission of guilt on the part of the workman so as to avoid holding a domestic enquiry. In order to dispense with the enquiry, there should be clear admission of guilt."

18. From the above settled position of law unless the management shows, that there was clear and unambiguous admission on the part of the employee, dismissal order in this case passed admittedly without proper domestic enquiry should be held invalid, thereby ordering to reinstate the employee, as did by the Labour Court. In this context, we have to see whether the appellant/employee had admitted the offence or misconduct, as the case may be, at any point of time, warranting dispensing with the domestic enquiry, then passing dismissal order, detriment to the life interest of the employee.

19. Two explanations, dated July 15, 1975 and March 1, 1976, are available in this case. The first explanation was submitted for the memo, dated May 21, 1975, and the second explanation was submitted for the chagememo, dated February 23, 1976. In the first explanation, it is stated that the shortage in the stock of rice was only Rs. 2,410.53 and not Rs. 3,710.50, as indicated in the memo. Further explanation is given, that the difference was due to the fact, that (sic) about 10 bags of rice in the custody of Sri Mukthar Ahmed, was transferred to the branch accounts without any credit note. However, taking responsibility to avoid further awkward situation, the appellant/employee offered to pay the shortage of Rs. 2,010.53, wherein we are unable to find any admission of misconduct such as misappropriation etc. It is the common knowledge, that the shortage used to occur for many reasons, such as, due to under weight or pilferage or even while taking the stock not properly by weighing etc. On actual weighment and measurement, some times, it may not tally with the book stock, thereby showing, deficit in stock. That does not mean, that the person concerned, who was in charge of the stock had misappropriated, though it can be said, he has failed in his duty to check the weight, properly etc. In this view of the matter, the undertaking given by the employee, in the explanation from, dated July 15, 1975, that the deficit may be compensated by a recovery from the salary, in our considered opinion will not amount to admission of misconduct. In fact, as rightly pointed out by the learned counsel for the appellant, this

explanation has not been taken into account, while passing the dismissal order, dated April 21, 1976, since we find there is not even a reference regarding the memo, dated May 21, 1975, as well as, the explanation, dated July 15, 1975 in the dismissal order. Hence, on the basis of the alleged admission of the guilt in the memo dated July 15, 1975, it is impossible to say, that the domestic enquiry could be dispensed with, which is mandatory, intended to safeguard the interest of the employee.

20. In the explanation, dated March 1, 1976, to the chargememo, dated February 23, 1976, the employee has repeatedly stated, that he did not know how the shortage had occurred and only in order to avoid the loss to the society, he borrowed money on loan and paid the same. He made it clear, that he has not committed any wrong intentionally, further making it clear, that he was in charge of the Tirupathur Branch only upto June 30, 1974, whereas, he is asked to explain the deficit, for the period between July 1, 1973 and April 27, 1975. At the end of the Para. 2, explaining how the charges are frivolous, the employee had stated, that "Hence even in this I did not commit any wrong knowingly nor did I allow anybody to commit it." Further, referring the shortage in the rice at the beginning of Para. 4, it is stated, that:

"I did not commit any of the above three offences knowingly. Further I never acted contrary to truth. I did not do it with any intention to do it. To say that I had misappropriated the same is contrary to truth. Hence, I humbly request you to examine the charges against me and cancel the same."

thereby requesting the authority to examine the charges framed against him and cancel the same also, which would go to show impliedly, that the employee demanded domestic enquiry, which was denied in this case admittedly, since, none had been examined by the enquiry officer including the delinquent and no document has been exhibited. As herein before mentioned, the dismissal order also does not disclose, what are the materials relied on by the enquiry officer, and in which document, or correspondence the employee had admitted his guilt, such as misconduct, misappropriation, and stock deficit unambiguously, warranting, dispensing with the domestic enquiry, as held in the decisions referred above.

21. By going through the explanations, we are unable to persuade ourselves, that there was any clear admission of the guilt, by the delinquent. The learned Presiding Officer, Labour Court very elaborately, considering the above aspects, as well as the denial of principles of natural justice, which is required to be given to the employee had in our considered opinion, come to an unerring conclusion, which was unnecessarily upset by the learned single Judge on some flimsy ground, which was not even raised by the employer.

22. The submission of learned counsel appearing for the employee, that reinstatement in the light of the above discussion, applying the settled proposition of law, that no employee could be dismissed from service without

conducting domestic enquiry, giving opportunity, persuade us, and we are constrained to hold, that the dismissal order is invalid, vitiated for non-observance of principles of natural justice without giving liberty to the employee, thereby offending the protection, given to the employer under Rules and Regulations as well as under the Indian Constitution. In this view of the matter, the dismissal order, which was set aside by the Presiding Officer, Labour Court, which was upset by the learned single Judge, has to be restored, thereby, ordering to reinstate the appellant with back-wages. In case, if the appellant had attained superannuation, the question of reinstatement may not be possible at present, and in that event, he would be entitled to all the benefits, as if he had been in service, which could not be denied, since only the employer had committed mistake in this case for which the employee could not be put to hardship and loss, since we find no fault on the part of the employee.

23. The learned counsel appearing for the employer submitted that the reinstatement of the appellant, who had committed misappropriation and misconduct may not be proper order, placing reliance in a decision rendered by this Court in Dharmapuri District Co-operative Sugar Mills Vs. The Presiding Officer, Labour Court, Vellore and another, . Considering the facts and circumstances of the case, we are unable to apply above principle in this case since in the case involved in the above decision, after proper domestic enquiry, a finding was given, that the employee was guilty of the charges, and, therefore, the termination of service by the employer, cannot be set aside by the Labour Court, since, the Labour Court, has more or less in the position of management, which have to be kept in mind, about employee. In the case on hand, as held supra, no domestic enquiry was conducted and, therefore, it cannot be said, that the charges levelled against the appellant are proved, and in this view, the ruling failed to come to the aid of the employer.

24. In Bank of India Vs. T.S. Kelawala and Others, , the Apex Court took the view, if the misconduct is not disputed, whereas, it is admitted, there is no need to hold an enquiry, and the relevant portion reads thus, at p. 44 of LLJ:

"5..... However, when misconduct is not disputed but is, on the other hand, admitted and is resorted to on a mass scale, such as when the employees go on strike, legal or illegal, there is no need to hold an inquiry. To insist on an enquiry even in such cases is to prevent the very object of the inquiry. In a mass action such as a strike it is not possible to hold an inquiry against every employee nor is it necessary to do so unless, of course, an employee contends that although he did not want to go on strike and wanted to resume his duty, he was prevented from doing so by the other employees or that the employer did not give him proper assistance to resume his duty though he had asked for it....."

By going through the explanation, submitted by the employee as discussed above, the employee had not only disputed the charges, but also not admitted the charges unambiguously and therefore, applying the above principles is out of consideration.

25. The learned counsel appearing for the second respondent placing reliance in *Workmen Vs. Bharat Fritz Werner (P) Ltd. and Another*, , urged that considering the facts and circumstances of the case, instead of ordering reinstatement, the proper order that could be passed in this case, must be payment of compensation. In the case involved in the above decision, it seems, that the workmen, who had faced the dismissal order was skilled and the Apex Court held, that it may not be difficult for those people, to get alternate employment, as observed by the learned single Judge. Further in that case, the workmen did not appear before the enquiry officer, and the enquiry officer conducted the proceedings ex parte. Though the proceedings was ex parte, the diligent enquiry officer in that case, recorded the statement of seven witnesses, marked certain documents, produced by the management. On the basis of the abovesaid materials, the enquiry officer found guilty of the charge of misconduct against the workmen, on which basis the management passed order concluding that the workmen are guilty of misconduct, dismissing them from service. In our case though the appellant/employee, had sought for an enquiry, asking the enquiry officer to consider his objection and cancel the charge memo, the enquiry officer, for the reasons best known to him, failed not only to examine any witness, but also failed in his duty to give finding, based on materials, thereby he himself had made the dismissal order, as invalid. This being the position established, for the no sin committed by the employee, we cannot deprive his substantial right, by paying some compensation, which would not serve the natural justice, required. If he had not been dismissed from service illegally, he would have continued in service, earned promotion, and more salary also, by proving his mettle. By the improper, unjustified and illegal dismissal order, the management, i.e., the second respondent, deprived his right illegally, and to rectify the said illegality, as rightly did by the Labour Court, the only remedy is for reinstatement and not compensation.

26. Learned senior counsel Sri N.G.R. Prasad in support of the above conclusion, brought to our notice the celebrated decision of the Apex Court in *Workman of Assam Match Company Ltd. v. Presiding Officer, Labour Court, Assam and Anr.* 1973 II LLJ 279, wherein the Apex Court of this land has held as follows at p. 279 (head note):

"It is well settled that where in an industrial dispute arising out of a dismissal of a workman it is established that the impugned dismissal was unjustified the normal Rule is that the dismissed workman should be reinstated."

It is also further observed as follows at p. 280 (head note):

"If an employer is shown to have dismissed his employee without justification and the decision of the dispute resulting from such dismissal takes time, it cannot be urged by the employer that by passage of time, reinstatement should not be ordered. One of the objects which industrial adjudication has to keep in mind is to assure industrial employees security of tenure. The normal Rule is that when the dismissal is unjustified the employees should be reinstated."

27. In the case on hand, it is very well demonstrated that the employer, namely, second respondent, had dismissed its employee, namely, the appellant, without justification, without affording any opportunity to defend the charges, thereby showing, that the impugned dismissal order was not warranted, unjustified, against all the norms of principles of natural justice, established and followed under labour laws. In this view of the matter, considering the only fact, that the employee was dismissed from service from April 21, 1976, it cannot be said as a rule of law, the order of reinstatement is not possible, whereas, the alternative remedy of compensation alone should be provided. If it had been made out, that the employee was at default or be contributed or the delay, and the employer has not committed any mistake, either in conducting the enquiry or passing appropriate order, then only it could be said, reinstatement may not be a Rule, whereas compensation, must be the just and proper order. The learned single Judge, since failed to consider all these matters, whereas, the learned Presiding Officer of the Labour Court (sic) had elaborately considered the merits and demerits of the case, we are constrained to upset the finding of the learned single Judge, in W.P.No. 19068 of 1993, thereby restoring, the order of the Labour Court in I.D.No. 55 of 1992, dated April 6, 1993, concluding that the appeal deserves acceptance.

28. For the foregoing reasons, we would choose to allow the appeal, since it is meritorious, thereby setting aside, the order of the learned single Judge, dated August 30, 2000, in W.P.No. 19068 of 1993 and restoring the order of the Presiding Officer, Labour Court, dated April 6, 1993, in I.D.No. 55 of 1992, but under the facts and circumstances of the case, without costs.