
(1997) 02 AHC CK 0103

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 4762 of 1997

State of U.P.

APPELLANT

Vs

Labour Court and Another

RESPONDENT

Date of Decision : 06-02-1997

Acts Referred:

Citation : (1997) 1 UPLBEC 358

Hon'ble Judges : M. Katju, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

M. Katju, J.—This writ petition has been filed against the impugned award dated 28-2-1995 and the recovery certificate dated 13-8-1996.

2. Heard learned Standing Counsel for the petitioner. It appears that the respondent No. 2 was an employee of the petitioner and his service was terminated on 1-7-1990. He raised an industrial dispute which was referred to Labour Court, Varanasi, which has passed the impugned award dated 28-2-1995.

3. The version of the respondent No. 2 was that he was an employee from 1-6-1984 to 1-7-1990 continuously but thereafter his service was terminated without giving retrenchment compensation and notice pay.

4. It appears that on behalf of the petitioner one Sri R. K. Srivastava appeared on some dates before the Labour Court but subsequently he stopped appearing, hence the ex parts award was passed against the petitioner.

5. A restoration application was filed but that has been rejected by the order dated 11-4-1996. A perusal of the order dated 11-4-1996 shows that there was gross negligence on behalf of the petitioner. It appears that the state authorities do not take interest in the litigation against the State since no body is personally responsible. In the order dated 11-4-1996 it has been mentioned that no written statement was filed by the petitioner before the Labour Court, Varanasi. The

restoration application was tiled on 14-12-1995, i.e. after considerable delay. The Labour Court has held that the petitioner did not take the case seriously as it was under the impression that it was not necessary for the State to comply with the order of the Labour Court. This impressing was clearly misconceived.

6. Sri R. K. Srivastava who had appeared for the petitioner on severe.) occasions prior to 28-2-1995 himself filed the restoration application dated 14-12-1985. Thus, it is evident that he had appeared on some occasions on behalf of the petitioner but when he saw that the petitioner was not taking interest seriously he stopped appearing.

7. Thus, there is no good ground to interfere in this case. The petition is dismissed. Before parting with this case, it is in my opinion, necessary to mention that several cases have come up before this court where it is found that ex part a order or awards has been given against the State of the Statutory Corporations, simply because no interest has been taken by the officers of the State Government or Statutory Corporations to contest the litigation seriously. It is obvious that since the officers concerned do rot have any personal liability in the matter they do not take any interest in such matter and display total callousness and negligence, with the result that ex parte awards or orders are given against the State or Statutory Corporations. The ultimate burden goes on the tax payers because the officer does not have any liability personally. It is high time that this matter be brought to the notice of the State Government so that personal liability be fixed on the officer or officers who is responsible for this state of affairs and serious steps are taken to protect the interest of the State properly.

8. In the circumstances, I direct that disciplinary action snail be taken against the officers who were responsible in this case for allowing the award to go ex parte against the State. The disciplinary action must be initiated within three months from today by issuing charge sheet to the officers concerned and the proceedings must be completed within three months thereafter, and compliance report sent to this Court.

9. Let a copy of this judgment be sent by the Registrar of this court to the Chief Secretary, U. P. Government, Lucknow, and the Chief Secretary is directed to circulate copy of this judgment to Heads of all the Departments of the State Government and Statutory Corporations, so that serious steps are taken to prevent orders being passed ex parte against the State Government or Statutory Corporations in future due to the negligence of the officers concerned.