

(2009) 04 AHC CK 0155
In the Allahabad High Court

State of U.P.and others

APPELLANT

Vs

Karam Chand and others

RESPONDENT

Date of Decision : 16-04-2009

Acts Referred:

Citation : (2009) 04 AHC CK 0155

Hon'ble Judges : Rajiv Sharma, J

Final Decision : Allowed

Judgement

Rajiv Sharma, J.

Heard learned Standing Counsel for the petitioners.

It has been stated by the counsel for the petitioners that a reference has been made. Notices were issued to the petitioner. In pursuance thereof, written statement was filed and an objection has been raised that Irrigation Department is not an industry within the meaning of Section 2 of the Industrial Disputes Act and the opposite party No.1 is not a workman. Arguments advanced on behalf of the State have not been considered by the Tribunal so far as no finding has been recorded as to how the irrigation department is an industry and the respondent No.1 is the workman.

The matter pertains to 1998 and none responds for the opposite party No.1, though the name of Mr.Rakesh Kumar Tiwari has been printed in the cause list.

Considering the facts and circumstances of the case, it would be in the fitness of things if the matter is remanded to the Tribunal for considering and recording the finding on the preliminary objections raised by the petitioners. As pointed out above, the Tribunal erred in not deciding the plea raised by the petitioner which is the bone of contention between the parties. Therefore, the impugned order suffers from infirmities.

Accordingly, the writ petition is allowed and the impugned award dated 17.6.1997 is set aside and the matter is remanded to the Tribunal for deciding

the preliminary objections, which has been raised by the State.