

(2011) 03 SHI CK 0282
In the High Court Of Himachal Pradesh
Case No : CWP No. 494 of 2011

The Executive Engineer

APPELLANT

Vs

Manohar Lal

RESPONDENT

Date of Decision : 03-03-2011

Acts Referred:

Constitution of India, 1950 — Article 226, 227

Citation : (2011) 03 SHI CK 0282

Hon'ble Judges : Kurian Joseph, C.J.;V.K. Ahuja, J

Bench : Division Bench

Judgement

Kurian Joseph, C.J.—This Civil Writ Petition under Article 226/227 has been filed by the State against the award of the learned Labour Court-cum-Industrial Tribunal, Dharamshala in reference No. 48 of 2006, dated 20.07.2010.

2. We have heard the learned Counsel for the Petitioner. In so far as the order passed by the learned Tribunal is concerned, since there is no order for payment of back-wages, the order can be said to be correct, since the finding based on violation of Sections 25-G and 25-H are based on evidence available on record. There arises no question of reappraisal of evidence under Article 227 of the Constitution of India. The view of the Tribunal is reasonable. However, in so far as the order passed regarding continuity in service and seniority from his termination is concerned, the said order does not call for any interference by this Court since denying him continuity in service and seniority from the date of his termination will cause prejudice to the Respondent and as such the same order calls for no interference by this Court. There is no merit in the writ petition filed by the Petitioner and the same is dismissed accordingly. No notice was issued to the Respondent since no order prejudicial to his interest is being proposed to be passed by this Court.

3. With these observations, the writ petition stands disposed of. Pending applications, if any, shall also stand disposed of.