

(2002) 05 AHC CK 0096
In the Allahabad High Court
Case No : C.M.W.P. No. 22058 of 1999

U.P. State Road Transport Corporation	APPELLANT
Vs	
Jorawar Singh and Others	RESPONDENT

Date of Decision : 08-05-2002

Acts Referred:

Uttar Pradesh Industrial Disputes Act, 1947 — Section 4K

Citation : (2002) 3 AWC 2202 : (2002) 94 FLR 352

Hon'ble Judges : Anjani Kumar, J

Bench : Single Bench

Advocate : M.M. Sahai, for the Appellant; P.C. Jhingan and A.K. Pandey, S.C., for the Respondent

Final Decision : Disposed Of

Judgement

Anjani Kumar, J.—This petition was listed for orders. Learned counsel for both the parties made a joint request that this petition may be heard and decided. It is thus, the writ petition is heard on merits and is being disposed of finally.

2. After hearing learned counsel for the parties, the aforesaid petition was allowed by me vide my order dated 8th May, 2002 for the reasons to be recorded later on. Now here are the reasons for allowing the aforesaid writ petition.

3. Petitioner, U. P. State Road Transport Corporation has challenged the award dated 6.8.1998, Annexure-1 to the writ petition, passed by Labour Court, Rampur in Adjudication case No. 80 of 1992, by means of the present writ petition under Article 226 of the Constitution of India. The only ground argued by learned counsel for the petitioner is that even assuming that the labour court have come to the conclusion that the domestic enquiry conducted by the employer was not fair and proper, a specific request has been made before the labour court, which has been recorded by the Court in the following terms :

^^tkap ifjogu fuxe dh vksj ls ;g Hkh dgk x;k Fkk fd ;fn U;k;ky; dh jk; esa tkap lgh o mfpr o U;k;laxr u ik;h tk, rks lsok;kstdksa dks ,d volj bl U;k; esa vkjksi fl)

djus gsrq iznku fd;k tk, A**

The labour court has rejected the aforesaid prayer in following terms :

^^eSa bl lEcU/k esa ;g mfpr ugha le>rk fd lsok;stdksa dks iqu% volj fn;k tk;
D;ksafd Jfed o"kZ 1991 ls lsok ls i`Fkd gS vkSj vius vf/kdkjkas ls oafpr gS] iqu%
volj nsus ls vuqfpr foyECk gksus dh laHkkouk gS A**

4. Needless to say that the aforesaid reason given by the labour court for not granting opportunity to the employer to adduce evidence before the Court demonstrates that the charges levelled against the workman concerned stand proved, as contrary to it learned standing counsel has cited certain decisions of the Hon"ble Apex Court as well as of this Court.

5. I have gone all through it and after dealing with the charges, considering the grave nature of the charges, in my opinion, labour court has committed an error, particularly in view of the law, referred to above. This writ petition, therefore, deserves to be allowed and is hereby allowed. The award of the Labour Court dated 6.8.1998, Annexure-1 to the writ petition, is set aside and quashed. The matter is remanded back to the Labour Court, Moradabad with a direction to afford an opportunity to the petitioner-employer to prove the charges before the Court by adducing such evidences as are in their possession and the workman concerned also, as he desires to adduce evidence, be given an opportunity to rebut the same. Since the matter is fairly old, as has been observed by the labour court itself, the labour court is directed to decide the matter within a period of three months from the date of production of a certified copy of this order before him.

6. In view of what has been stated above, this writ petition is allowed. The award dated 6.8.1998. Annexure-1 to the writ petition, is set aside and quashed. The matter is remanded back to the labour court to decide the same in the light of observations made above. However, in the facts and circumstances of the case, the parties shall bear their own costs.