

State of U.P. Vs. Presiding Officer, Labour Court and anr.

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Court : Allahabad

Decided On : Mar-03-2000

Reported in : [1997(75)FLR825]; (2000)IIILLJ1364All

Judge : Alope Chakrabarti, J.

Acts : Uttar Pradesh Industrial Disputes Act, 1957 - Rule 12(9)

Appeal No. : C.M.W.P. No. 2207/1997

Appellant : State of U.P.

Respondent : Presiding Officer, Labour Court and anr.

Disposition : Petition dismissed

Judgement :

Alope Chakrabarti, J.

1. This writ petition was heard along with Civil Miscellaneous Writ Petition No. 2208 of 1997 State of U. P. v. Presiding Officer, Labour Court, Dehradun and Anr.
2. Heard learned standing counsel appearing for the petitioner and Mr. Gopal Narain, learned counsel appearing for the respondent No. 2 workman.
3. Learned standing counsel for the petitioner contends that the impugned award is bad as provisions of Sub-rule (9) of Rule 12 of the U.P. Industrial Disputes

Rules, 1957 could not be applied in the present case as issues were not framed and the Labour Court was not entitled to pass the impugned award applying the aforesaid law without framing issues. Learned standing counsel in support of the contention refers to the written statement filed by the workman. It is contended that when admittedly the order sheet shows that issues were not framed impugned award is liable to be quashed.

4. Learned counsel for the respondent-workman contends that in view of the provisions of Sub-rule (9) of Rule 12 Labour Court was justified in passing the impugned award when the employer failed to comply with the requirement of the procedural law prescribed.

5. After considering the aforesaid contentions and perusing the provisions of law as contained in the aforesaid Rules I am of the opinion that the employer in the present case was granted opportunity to file its affidavit controverting the affidavit filed by the workman but inspite of such opportunity as the order sheet indicates the employer did not file the same. The provisions of the aforesaid Rule 12 and particularly the Sub-rules (8) and (9) thereof do not indicate that without framing issues the aforesaid provisions cannot be applied. On the contrary Sub-rule (9) has specific provision for drawing presumption as regards the contents of the affidavit to be true and to make an award accepting the facts stated in the written statement. In view of the claim of the workman before the Labour Court when the aforesaid provisions of the Rules could be applied and no dispute could be effectively raised as regards findings on facts in the impugned award, no interference's required on the present writ petition and the same is hereby dismissed. There will be no order as to costs.