

Surendra Pal Singh Vs. Union of India (Uoi) and ors.

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SooperKanoon Citation : sooperkanoon.com/517192

Court : Jharkhand

Decided On : Feb-26-2008

Reported in : [2008(2)JCR677(Jhr)]

Judge : M.Y. Eqbal and; D.K. Sinha, JJ.

Appellant : Surendra Pal Singh

Respondent : Union of India (Uoi) and ors.

Advocate for Pet/Ap. : Mr. Shailendra Kumar Singh

Disposition : Appeal dismissed

Judgement :

ORDER

1. This Letters Patent Appeal was filed by the appellant through the counsel Mr. Shallendra Kumar Singh challenging the judgment dated 29.11.2007 passed by learned Single Judge in W.P.(S) No. 5800 of 2006.

2. This appeal was listed on 21.2.2008. This Court after hearing Mr. Shailendra Kumar Singh, counsel for the appellant as also the counsel for the respondents dismissed the appeal by passing a reasoned order.

3. Order dated 21.2.2008 passed by this Court dismissing the appeal reads as under:

Heard the parties.

This appeal is directed against the judgment passed in W.P.(S) No. 5800 of 2006 whereby the learned Single Judge dismissed the writ petition and affirmed the order passed by the Presiding Officer, Central Government Industrial Tribunal No. 1, Dhanbad.

It appears that the following dispute was referred for adjudication to the Central Government Industrial Tribunal: Whether the demand of Sri Surendra Pal Singh S/o Sri Balbir Singh from the management of M.E.C.L., R.C.S. Project, Dugda Coal Washery for reinstatement with full back wages is legal and justified? If so, what relief the workman concerned is entitled to?

The Tribunal after considering the entire evidence adduced by both the employer and the employee recorded a finding that no relationship of employer and employee exists between the petitioner-appellant and the respondents and accordingly reference was answered against the petitioner-appellant. The learned Single Judge took pain and re-appreciated the entire facts and evidence and affirmed the order passed by the Tribunal.

4. In that view of the matter, there is no question of interference with the impugned judgment, passed by the learned Single Judge or the award -passed by the Tribunal.

There is no merit in this appeal, which is accordingly dismissed. After dismissal of appeal, the appellant filed Vakalatnama on 25.2.2008 and in place of obtaining the signature of lawyer he signed himself for appearing in person. Since the mentioning slip was filed by the appellant in person, this Court listed the appeal for today.

4. Bench found that this appeal stood dismissed on 21.2.2008 on merit.

5. In the background of the aforesaid premises, question of hearing the appellant in person does not arise at all.