

Dharmender Kumar Vs. Air India

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Court : Delhi

Decided On : Sep-03-1996

Reported in : 65(1997)DLT857; (1997)ILLJ56Del

Judge : M.J. Rao., C.J. and; Manmohan Sarin, J.

Acts : Industrial Employment Standing Order Act, 1946

Appeal No. : Letters Patent Appeal No. 28 of 1996

Appellant : Dharmender Kumar

Respondent : Air India

Advocate for Pet/Ap. : Ashok Aggarwal and; Ratna Dwivedi, Advs

Judgement :

M.J. Rao, C.J.

(1) This appeal has been filed against order of the learned Single Judge passed on 29.1.96 in Civil Writ 346/96. By that order, learned Single Judge stated that it is not disputed that certified standing orders under the Industrial Employment Standing Order Act, 1946 are applicable in the present case. Learned Single Judge also stated that the petitioner has an alternate remedy provided under the Industrial Disputes Act.

(2) This Court passed an order on 29.2.96 in C.M. 435/96 that the appellant's services be not terminated except on disciplinary proceedings or if the work load is not enough, the principle of last to come and first to go should be followed. The appellant should be continued only in accordance with the scheme, if any, followed by the respondent.

(3) After hearing both sides, we find that the order dated 29.2.96 passed in C.M. 435/96, should be the order in this appeal also.

(4) The appeal is disposed of accordingly in terms of the order dated 29.2.96 passed in C.M. 435/96.

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