

HON'BLE SRI JUSTICE R. KANTHA RAO

***WRIT PETITION NOS. 23635, 23799, 23655, 23646
23644, 23651, 23680, 23642 & 23679 OF 2015***

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COMMON ORDER:

These Writ Petitions are filed seeking to call for the records in I.A.No. 123 of 2013 in I.D.No. 7 of 2010, in I.A.No.130 of 2013 in I.D.No. 14 of 2010, in I.A.No.128 of 2013 in I.D.No. 12 of 2010, in I.A.No.131 of 2013 in I.D.No.15 of 2010, in I.A.No.126 of 2013 in I.D.No. 10 of 2010, in I.A.No. 129 of 2013 in I.D.No. 13 of 2010, in I.A.No. 124 of 2013 in I.D.No. 8 of 2010, in I.A.No. 125 of 2013 in I.D.No. 9 of 2010 and in I.A.No. 127 of 2013 in I.D.No. 11 of 2010 and quash the order dated 1.5.2014 passed by the 2nd respondent.

First respondent-employee in all these Writ Petitions filed I.D.Nos.7,14,12,15,10,13,8,9, & 11 of 2010 before the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad-2nd respondent seeking to declare the termination order issued by the petitioner-BSNL as illegal and arbitrary. Vide order dated 1.5.2014, the 2nd respondent-Tribunal passed the order in I.A.No. 123 of 2013 in I.D.No. 7 of 2010, in I.A.No.130 of 2013 in I.D.No. 14 of 2010, in I.A.No.128 of 2013 in I.D.No. 12 of 2010, in I.A.No.131 of 2013 in I.D.No.15 of 2010, in I.A.No.126 of 2013 in I.D.No. 10 of 2010, in I.A.No. 129 of 2013 in I.D.No. 13 of 2010, in I.A.No. 124 of 2013 in I.D.No. 8 of 2010, in I.A.No. 125 of 2013 in I.D.No. 9 of 2010 and in I.A.No. 127 of 2013 in I.D.No. 11 of 2010.

For better appreciation, the same can be re-produced as under:

“Perused the record. Considered the arguments advanced by either party. Considering the disadvantageous position in which generally a workman will be, in the interest of justice all relevant documents maintained by the management shall be made available before the Tribunal, to cull out the truth. Hence, respondent shall produce all the documents mentioned in the petition before the Tribunal. For any reasons any of the documents could not be produced, the reasons shall be intimated to the Tribunal by way of filing a memo. If the reasons given are reasonable and substantiated, the same can be accepted. Otherwise as per law adverse inference will be drawn. Accordingly, petition is allowed.”

Before the Tribunal, the petitioner-BSNL filed counter denying the fact that the first respondent in all these Writ Petitions was employed by it. It is stated that as per the rules framed by it, documents, which were more than 5 years old, were destroyed and they are not in a position to produce the documents as mentioned in the list.

Today, at the time of hearing, learned counsel appearing for the petitioner submitted that since the documents sought to be produced were destroyed, as per rules, the petitioner is not in a position to produce the same. He further submits that it is premature to express any opinion regarding drawing adverse inference by the Tribunal and that the matter has to be adjudicated on merits.

Having regard to the aforesaid submissions made by the learned counsel appearing for the petitioner, the Tribunal is directed to proceed with adjudication of I.Ds independently and uninfluenced by any of the observations made in I.A.No. 123 of 2013 in I.D.No. 7 of 2010, in I.A.No.130 of 2013 in I.D.No. 14 of

2010, in I.A.No.128 of 2013 in I.D.No. 12 of 2010, in I.A.No.131 of 2013 in I.D.No.15 of 2010, in I.A.No.126 of 2013 in I.D.No. 10 of 2010, in I.A.No. 129 of 2013 in I.D.No. 13 of 2010, in I.A.No. 124 of 2013 in I.D.No. 8 of 2010, in I.A.No. 125 of 2013 in I.D.No. 9 of 2010 and in I.A.No. 127 of 2013 in I.D.No. 11 of 2010 and examine the circumstances based on the reasons furnished by the petitioner as to whether the same are justified or not.

With the above direction, these Writ Petitions are disposed of at the admission stage. There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions, pending if any, in all these Writ Petitions shall stand closed.

R. KANTHA RAO, J

Date: 30.07.2015

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