

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.6787 OF 2014

(WESTERN COALFIELDS LTD....VS..SECRETARY, SAMYUKT KHADAN MAZDOOR SANGH & ANR.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A.HAQ, J.

DATED : AUGUST 02, 2016.

Heard Shri A.S. Mehadia, advocate for the petitioner-employer and Shri R.S. Bhure, advocate for the respondent-employee.

The employer has challenged the order passed by the Central Government Industrial Tribunal by which it is held that the departmental enquiry held against the workman is illegal, unjustified and not in accordance with the principles of the natural justice and the employer is granted permission to lead evidence to prove the charge against the workman before the Tribunal. The employer has also challenged the order passed by the Tribunal imposing costs of Rs.Three Thousand for grant of adjournment.

After hearing the learned advocates for the respective parties, in my view, the order passed on 15th September, 2014 being preliminary order it is not required to be interfered with at this stage, specially when the employer can challenge the order after disposal of the proceedings, if required.

However, I am inclined to interfere with the order dated 30th October, 2014, specially considering the fact that the matter continues to pend before the Tribunal because of the interim order passed by this Court. To sub-serve the interests of justice, the following order is passed :

- i) In view of the observations made above, the challenge to the order passed on 15th September, 2014 is rejected.
- ii) The order passed by the Tribunal on 30th October, 2014 is set aside.
- iii) The Tribunal shall dispose the proceedings till 30th March, 2017.

The petition is **disposed** in the above terms. In the circumstances, the parties to bear their own costs.

JUDGE

CERTIFICATE

I certify that this order uploaded is a true and correct copy of original signed order.

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