

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

W.P.No. 14516 OF 2001

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of *Certiorari* quashing the order dated 19-09-2000 passed in I.D.No. 56 of 1996 before the Chairman, Industrial Tribunal – cum – Labour Court, Godavarikhani (for short, "the Tribunal").

The only ground urged before this Court is that the award passed by the Tribunal is a non-speaking order, failed to consider the relevant evidence in proper perspective and, therefore, the award cannot be sustained under law.

During hearing, learned counsel for the petitioner also reiterated the same ground whereas learned counsel for the 2nd respondent admitted that the order is not reasoned and requested to pass an appropriate order.

The order under challenge is a judicial order passed by the Tribunal and the Presiding Officer of the Tribunal or Labour Court is supposed to record reasons for his conclusions. Mere referring exhibits and evidence and recording a finding thereon without considering the evidence is against the principles of law.

The Apex Court time and again held that the Court has to record reasons and decide each and every point that comes up before it but here the award of the Tribunal is contrary to the law laid down by the Apex Court. Hence, the order is remanded to the Tribunal for pronouncing a reasoned order since this Court cannot interfere with the fact findings recorded by the Tribunal while exercising power of judicial review under Article 226 of the Constitution of India.

The award of the Tribunal is, therefore, liable to be set aside and is, accordingly, set aside with a direction to pass a fresh award recording reasons as per law within three months from the date of receipt of a copy of

this order. Both parties are directed to appear before the Tribunal on 19-02-2016 and it is made clear that the Tribunal is not under obligation to issue fresh notice.

Pending miscellaneous petitions, if any, in this Writ Petition shall stand closed in consequence. No order as to costs.

M.SATYANARAYANA

MURTHY, J.

Date: 29th January, 2016.

Note:

Issue C.C. in three days.

B/O

JSK