

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.20986 of 2007

ORDER:

This writ petition by the petitioner is directed against the Nil Award, dated 08.08.2006, passed in ID.No.124 of 2004 on the file of the Central Government Industrial Tribunal-cum-Labour Court at Hyderabad.

2. I have heard the submissions of the learned counsel for the writ petitioner. I have perused the material record.

3. The 1st respondent, Central Government Industrial Tribunal-cum-Labour Court, Hyderabad, is a proforma party. The 2nd respondent, The Assistant General manager, State Bank of India, RG-II, Suryaraopet, Vijayawada, though served with notice, did not enter appearance.

4. The facts and the chronology of events as per the submissions, in brief, are as follows:

The petitioner was appointed in the 2nd respondent-Bank in March, 1983, on compassionate grounds consequent on the death of her husband, who worked as a Deputy Head Cashier in the Bank. After the petitioner rendered a service of 19 years, disciplinary proceedings were initiated against her after issuance of charge sheet and after not accepting her explanation to the charges formulated. In the enquiry duly held, the charges are held proved and eventually an order of dismissal from service was passed on 19.12.2002. Aggrieved thereby she raised an industrial dispute and filed a claim petition. According to the petitioner, she entrusted the matter to her counsel and that she was under the impression that her counsel is prosecuting the matter; however, to her surprise she received a memorandum, dated

10.10.2006, from the Secretary of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad, that a Nil Award has been passed. In the said circumstances, the present writ petition is filed.

5. Learned counsel for the petitioner would submit that inspite of absence of the petitioner and her counsel before the Tribunal, the learned Chairman of the Tribunal, who is enjoined with a duty to examine the merits of the case and pass an appropriate order ought not to have passed the 'Nil' Award.

6. A perusal of the material record would show that as the petitioner and her advocate were called absent and as the petitioner absented from appearing before the Industrial Tribunal-cum-Labour Court on the dates to which the matter was adjourned several times, the 'Nil' Award was passed. Considering the fact that the petitioner was appointed on compassionate grounds and has rendered a service of 19 years before she was removed from service, in the considered view of this Court, she should be given an opportunity to have her cause decided on merits as such a course sub-serves the ends of justice.

7. Viewed thus, this Court finds that the request in the writ petition merits consideration.

8. Resultantly, the Writ Petition is allowed and the Award, dated 08.08.2006, in ID.No.124 of 2004 is set aside and the matter is remitted to the Central Government Industrial Tribunal-cum-Labour Court at Hyderabad, for disposal afresh on merits and in strict accordance with the procedure established by law. Considering the fact that the petitioner had already attained the age of superannuation and that the matter is a sufficiently old matter, the Tribunal shall endeavour to

dispose of the matter as expeditiously as possible and preferably within 3 months from the date of receipt of a copy of this order.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

M. SEETHARAMA MURTI, J

07.04.2017
Vjl

