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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 25th September, 2018

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W.P.(C) 9290/2018 & CM No.35949/2018

THE GENERAL MANAGER STATE BANK OF INDIA

..... Petitioner

Through: Ms. Kittu Bajaj, Adv.

versus

INDRAWATI AND ANR

..... Respondents

Through: Mr. L.C. Rajput, Adv. for R-1

Mr. Dilbag Singh, Adv. for R-2

CORAM:

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER (ORAL)

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25.09.2018

1. This writ petition challenges the order dated 2nd May, 2016, followed by award dated 11th April, 2017, passed by the Central Government Industrial Tribunal (hereinafter referred to as the “Learned Tribunal”), on an industrial dispute raised by the respondent – workman.

2. The order dated 2nd May, 2016 decides the preliminary issue regarding the legality and propriety of the manner in which enquiry

had been conducted against the workman, in her favour and against the management.

3. As the norm in such cases, consequent upon passing of the said order, the petitioner management sought leave to prove the factum of misconduct before the learned Tribunal. Leave, as sought for, was granted and the impugned award dated 2nd May, 2016 is a sequitur thereto. By the said order, the learned Tribunal has held the factum of misconduct not to be proved and has directed reinstatement of the respondent – workman with full back wages.

4. Unfortunately, the impugned order dated 2nd May, 2016, as well as the Award dated 11th April, 2017 which followed, are ex facie perfunctory in nature and do not partake of the character of properly passed judicial orders. The reasoning which has persuaded the learned Tribunal to arrive at its decisions is not easily discernible, either from the order dated 2nd May, 2016 or the Award dated 11th April, 2017.

5. At this juncture, learned counsel for the petitioner and respondent jointly agree to having the order dated 2nd May, 2016, as well as the Award dated 11th April, 2017, set aside and the matter remanded to the learned Industrial Tribunal to reconsider the entire issue, from the stage at which the matter stood on 2nd May, 2016.

6. With consent of the parties, therefore, this writ petition is disposed of by setting aside the order dated 2nd May, 2016 and the Award dated 11th April, 2017. The dispute is remanded to the learned

Industrial Tribunal to reconsider the entire matter from the stage at which matter stood from 2nd May, 2016 uninfluenced by the order passed on the said date or the subsequent Award dated 11th April, 2017.

7. Both parties may appear before the learned Industrial Tribunal, for the said purpose, on 2nd November, 2018.

No order as to costs.

The next date fixed in this matter stands cancelled.

C.HARI SHANKAR, J

SEPTEMBER 25, 2018/kr