

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17891 of 2016

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1. The Chief General Manager, B. S. N. L., Bihar Circle
 2. The Principal General Manager, Bharat Sanchar Nigam Limited, Bihar Circle Patna-1.

... .. Petitioner/s

Versus

1. Sri Dinesh Kumar son of shri Chandradeep Prasad, resident of village-Chandwapur, P.o-Dhergawan, P.S- Kako, Distt- Jehanabad, Bihar.
2. The Union of India through the Presiding Officer, Industrial Tribunal No.2 Dhanbad.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Harendra Prasad Singh, Adv.
For the Respondent/s	:	Mr.S.D Sanjay Addl. Soc. Gen.
		Mr. Kishore Kr. Thakur and Rajesh Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

4 28-01-2019 Heard learned counsel for the petitioners and learned
counsel for the Union of India.

In the present case, the petitioners are challenging the award dated 01/03/2016 passed by the Central Government Industrial Tribunal-II, Dhanbad in Reference Case No. 15 of 2012.

The Union of India has raised limited issue, the manner the award has been passed by the Tribunal, as the award does not reflect any consideration of the fact and law nor it appears that the court has framed issue nor has given any finding on the days of work done by the petitioners, but abruptly without any reasoning has held that the workman has worked



more than 240 days in a calendar year and so direction has been given to take service as a casual employee of Management. The order which has been passed by the court below must reflect the consideration of pleading of both sides, issues involved for consideration and on each issue, there should clear cut finding, but award passed by the Tribunal is bereft of such deliberation, inasmuch Award does not show the proper consideration of facts and law.

In such view of the matter, the award dated 01/03/2016 passed in Reference Case No. 15 of 2012 is set aside the matter is remanded back to the Presiding Officer who after giving due notice and hearing of both sides, will decide the case and pass afresh award in accordance with law within a period of six months from the date of receipt/production of a copy of this order.

Accordingly this application is allowed to the aforesaid extent.

(Shivaji Pandey, J)

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