

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPL No.1399 of 2009

- Yugal Kishore, S/o Shri Kesh Kumar Yadav, Aged About 31 Years,
R/o Sate Bank Of India, Bastar Road, P. O. Dhamtari, Distt.
Dhamtari, CG

---- Petitioner

Versus

1. The Regional Manager, Union Bank of India, 1st Floor, Mahavir
Goushala Complex, K. K. Road, Maudarapara, Raipur (C.G.)
2. Presiding Officer, Central Govt. Industrial Tribunal -cum-Labour
Court, Nagpur, Maharashtra

---- Respondents

For Petitioner
For Respondents

Shri Pawan Shrivastava, Advocate
Shri N. K. Vyas, Advocate

Hon'ble Justice Shri Prashant Kumar Mishra

Order On Board

16/01/2020

1. The CGIT has answered the reference against the petitioner holding that his termination does not suffer from any illegality. The ground for recording such finding is that the petitioner has failed to prove that he has rendered 240 days of service in the preceding calendar year.
2. The petitioner worked with respondent No.1 till February, 2002. Before the CGIT, the respondent Bank remained *ex parte*, therefore, there was no occasion for the CGIT to require the bank to produce the record showing as to whether the petitioner has worked for 240 days or more in the preceding calendar year.

3. The petitioner has filed documents before this Court, which *prima facie* shows, if the documents are found to be genuine and proper, that he might have worked for 240 days in the preceding calendar year.
4. In view of the above, it would be appropriate to remit the matter back to the CGIT for making fresh enquiry and pass a fresh award.
5. Accordingly, the impugned award is quashed. Let the CGIT enquire the matter and pass a fresh award after providing proper opportunity of hearing to both the parties. Let the enquiry be completed within 6 months, subject to cooperation by both the parties.
6. Both the parties would be at liberty to submit fresh statement of claim, its reply and documents in support of their respective pleadings.
7. Record of the CGIT be sent back forthwith.
8. The writ petition is allowed in the above stated terms.

Sd/-

Prashant Kumar Mishra
Judge

Nirala