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Court No.1

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Registration No. 713 of 1987

(W.P. No. 7586 of 1985)

Jagdish Prasad & Others Petitioners

Versus

Union of India & Another Respondents.

Connected with

Registration No. 261 of 1987

(W.P. No. 10463 of 1985)

Nawab Singh & Others Petitioners

Versus

Union of India & Another Respondents

Hon. S. Zaheer Hasan, V.C.

Hon. Ajay Johri, A.M.

(By Hon. S. Zaheer Hasan, V.C.)

In Writ Petition No. 7586 of 1985 and 10463 of 1985 the petitioners have challenged the retrenchment notice, under Section 25-N of the Industrial Disputes Act, dated 10.7.85. The contention of the learned counsel for the petitioners is that the notice is bad because the appropriate Govt. have refused the permission required under Section 25-N of the Industrial Disputes Act. The argument is misconceived. According to the provisions of Section 25-N where an application for permission has been made, the appropriate Government after making such enquiry as it thinks fit and after giving reasonable opportunity of being heard to the employer, the workmen concerned and the persons interested in such retrenchment, may, having regard

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to the genuineness and adequacy of the reasons stated by the employer, the interests of the workmen and all other relevant factors, by order and for reasons to be recorded in writing, grant or refuse to grant such permission. No such procedure has been adopted and there is no question of rejecting the application. The order of the Secretary to the Government of India in Labour Department dated 2/3.9.1985 shows that it has come to the knowledge of the Ministry that the workmen have filed a writ before the Hon'ble High Court of Allahabad and their retrenchments have been stayed. ^{The minister was of opinion that} ~~So no action was feasible at that stage~~ and a fresh application should be made at the appropriate time. The probabilities are that full facts were not brought to the ^{notice of the} Labour Department in this connection. According to Section 25-N no workman shall be retrenched until the prior permission of the appropriate Government has been obtained. The order of stay has nothing to do with the disposal of the application under the Section. If the application is disposed of it will not violate the stay order. In view of the word 'prior permission' used in the Section the required application has to be disposed of first. So inspite of stay order the application should have been disposed of. The Government is very keen that this case should be disposed of as early as possible. The learned counsel for the petitioners stated that his clients are willing to cooperate

and they also want early disposal of the case. The suggestion made below would save lot of time of the Labour Department in getting notices served on as many as 65 petitioners.

2. The petitioners or their representatives according to rules may appear before the Secretary to the Government of India, Ministry of Labour or his nominee on 15.9.1987 and take a date for final hearing for disposal of the original petition submitted by the respondents. Put up this case on 12.10.1987 and we hope that by that time the Department concerned will dispose of this matter finally. A copy of this order be given to the learned counsel for both the parties free of cost today.

25.8.87

Vice Chairman

25.8.87

Member (A)

Dated the 25th Aug., 1987

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