


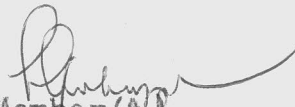
2. According to the applicant, thereafter some enquiry took place and the Enquiry Officer was appointed behind his back and no opportunity was given to him what so ever to cross examine the witnesses. The Disciplinary Authority without issuing notice passed final order of the proposed punishment of removal from service on 17.2.86 in Industrial Disputes Act. The applicant raised the industrial dispute and the Central Govt. raised the Industrial Dispute before the Industrial Tribunal. It appears before the Industrial Tribunal that the applicant absented himself before the Tribunal. After perusing the record and hearing the applicant gave an award.


3. From perusal of the award given by the Industrial Tribunal indicates that the Industrial Tribunal has proceeded with the case as if the applicant was a casual workman and not a seasonal workman as earlier placed in the award. The Industrial Tribunal pointed out that seasonal workman is more protective than the casual workman. The Labour Industrial Tribunal also found that ~~the~~ some sort of part enquiry placed and no opportunity was given to the applicant to cross examine the witnesses, although no notice was given to him against the proposed punishment



which indicates that ofcourse the full fledged enquiry did not take place and the award passed by the Industrial Tribunal suffers with some error of law in as much the Industrial Tribunal after recording the particular enquiry stressed in deciding the case as if the applicant is a casual workman and the Industrial Dispute does not vest any right in awarding the said punishment order.

4. Accordingly the application is allowed and the award dated 30.7.1991 is quashed and the matter is sent back to the Industrial Tribunal for deciding the matter in accordance with law. In case the Industrial Tribunal come into the conclusion and found that the applicant was not given full opportunity, it is always open for them to hold an enquiry itself and after holding the enquiry and after giving the opportunity of hearing to the parties concerned, decide the matter in accordance with law and we hope that the matter will be decided latest within a period of six months. No order as to the costs.


Member (A)


Vice Chairman

Dated: 11th February: 1993

(Uv)