

N.M.Desai

Vs.

The Testeels Ltd. and another

Civil Appeal No. 245 of 1970

(V.R.Krishna Iyer and A.C.Gupta JJ.)

17.12.1975

JUDGMENT

KRISHNA IYER, J. -

1. Appellant, the Conciliation Officer, Ahmedabad, preferred this appeal by certificate.
2. The brief facts are that a certain employee of the first respondent was sought to be dismissed by it at a time when there was an industrial dispute pending conciliation. So, the Management sought the approval of the Conciliation Officer as required by the proviso to Section 33(2) of the Industrial Disputes Act, 1947. The appellant officer passed an order refusing approval but assigning no reasons whatever. The aggrieved management challenged the said order on the score that a quasi-judicial power could not be exercised without complying with the obligation to pass a speaking order. The question was considered at great length by a full Bench of the High Court of Gujarat to which it was referred. The conclusion arrived at was that the order was void because every order passed by a quasi-judicial authority should contain reason on the face of the order. In this view, the High Court set aside the order and remitted the matter back to the conciliation Officer. All this took place way back in 1969.
3. We are not persuaded that the proposition of law which appealed to the High Court is wrong. It follows that the order of the Conciliation Officer impugned is bad and the appeal must fail.
4. It transpires that the respondent Management has since reached a settlement of the dispute with the employee concerned and so the question itself has become purely academic. The respondent has not entered appearance either.
5. In these circumstances, the appeal is dismissed without costs.

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