

India Machinery Stores (Private) Ltd.

Vs

Presiding Officer, Labour Court, Patna and Others

Civil Appeal No. 1189 of 1976

(Ranganath Misra, Kuldip Singh JJ)

17.04.1990

ORDER

1. This matter had been sent to the Lok Adalat held in this Court on March 31, 1990 but the parties did not come to any settlement. Therefore, the matter has been heard today.
2. We have looked into the records and have considered submissions advanced before us. The Presiding Officer, Labour Court has found that the claim of the respondent that he was in service as an accountant with effect from August 15, 1968 has been established. He further found that the termination with affect from July 4, 1970 was uncalled for and not justified. With reference to the provisions of Section 26(1) of the Bihar Shops and Establishments Act which find extracted in the paper book, the Labour Court also found that the action taken was not justified and accordingly it directed : "As there is nothing on record to show that the services of the complainant were terminated for a reasonable cause, the order of discharge passed against the complainant is set aside and he is ordered to be reinstated with all his dues from the date of termination of his services till the date of reinstatement."
3. This award of the Labour Court has been upheld by the High Court and it has taken the view that the order of termination was not a discharge simpliciter but it was on account of ulterior motives and by way of punishment. Ordinarily with these concurrent findings of the High Court this Court would not have been entertained a petition under Article 136 of the Constitution.
4. We are of the view that there is no merit in the appeal and the same is accordingly dismissed. No costs.

</html