

**SUPREME COURT OF INDIA**

Prabhakar Baburao Bokde

Vs.

Bank of Baroda, Nagpur

C.A.No.2498 of 2000

(S. B. Majmudar and Y. K. Sabharwal, JJ.)

07.04.2000

**ORDER**

1. Leave granted.
2. We have heard learned counsel for the parties finally in this appeal.
3. The short question is whether the High Court by the impugned order could have disposed of by one word "rejected" the appellant' application dated 14-6-1999 under Section 17-B of the Industrial Disputes Act, 1947, Annexure-P/5 at page 30 of the paper book. The impugned order shows that it is rejected. The appellant's contention is that he was terminated in 1985 and that termination was set aside by the Tribunal on 7-2-1995 and pending writ petition by the respondent-Bank order under Section 17-B of the Industrial Disputes Act, 1947 was required to be passed. It is true that on 20-8-1998 the application under Section 17-B of the Act was rejected on the assumption that earlier it was rejected. But it does not appear to have been rejected by earlier orders dated 5-5-1997 and 8-10-1997 when ad hoc amounts were granted to the appellant. Under these circumstances, in our view, interest of justice will be met if the application moved by the appellant on 14-6-1999 for passing

appropriate orders under Section 17-B of the Industrial Disputes Act, 1947 is taken up by the High Court for decision on merits. Resultantly, the rejection of Section 17-B of the Act application dated 14-6-1999 by the impugned order of the High Court is set aside. The said application is restored to the file of the High Court with a request to re-decide the same at an early date and preferably before the close of the High Court's Summer Vacation as learned counsel for the appellant submits that the appellant is out of job since 1985 and is starving and suffers from acute penury. The appeal is allowed. It will be for the High Court to decide Section 17-B application on merits in accordance with law. A copy of this order shall be sent by the Registry to the Registrar of the High Court, Nagpur Bench for bringing it to the notice of learned Administrative Judge for doing the needful in this connection. No costs.

Order accordingly.