

# SUPREME COURT OF INDIA

Hindustan Zinc Ltd.

Vs.

Industrial Tribunal

(S. R. Babu and S. V. Patil JJ.)

20.07.2000

## ORDER

1. Challenging the award made by the Industrial Tribunal holding that the dismissal of the respondent-workman as illegal and directing his reinstatement with continuity of service and full back wages and all other attending benefits, a writ petition was preferred. In the writ petition, learned Single Judge who disposed of the matter, noticed that the Tribunal had upheld the validity of the enquiry ending with the termination of the service of respondent No. 2. However, on merits, the High Court reached the conclusion that the charges/allegations made against the concerned workman are not proved. The High Court without examining the contentions regarding the correctness of the conclusion reached by the Tribunal: firstly, as to the scope of interference when the validity of the domestic enquiry had been upheld and secondly, on merits of the matter, decided the writ petition. The High Court noticed that the order made under Section 17-B of the Industrial Disputes Act, 1947, had not been complied with and therefore, there was no necessity to go into the merits of the case. This conclusion is rather surprising. The High Court ought to have dealt with the merits of the case and decided the case, but went at a tangent, proceeded to dispose of the matter for non-compliance with the interim order made by the Tribunal. Under the circumstances, we set aside the order made by the High Court and remit the matter back to the High Court for fresh consideration in accordance with law. Considering the fact that the respondent No. 2 - workman had been terminated from service as early as the year 1980, we hope the High Court will dispose of the matter as expeditiously as possible. The appeal is accordingly allowed. There will be no order as to costs.