

WP(C) 6304/2007

BEFORE

HON'BLE MR.JUSTICE RANJAN GOGOI

Heard Mr.S.N.Sarma, learned Sr. Counsel for the petitioner and Mr. A.Dasgupta, learned counsel appearing for the Respondents.

An order dated 17.9.2007 passed by the learned Central Govt. Industrial Tribunal-cum-Labour Court, Assam in Reference Case No. 5/2005 has been assailed in the writ petition. By the aforesaid order dated 17.9.2007, the learned Tribunal had decided the validity of the domestic enquiry held by the management as a preliminary issue against the management without, however, recording any reasons for the conclusion reached.

A reading of the order dated 17.9.2007 would go to show that oral evidence was laid by both sides on the preliminary question framed. It is was, therefore, incumbent on the learned Tribunal below to give its reasons in support of the decision taken, particularly when the law contemplates that in the event a preliminary issue is decided against the management, the management would be at liberty to adduce evidence on merit and would further be at liberty to challenge the findings recorded on the preliminary issue after the passing of the award.

In the above circumstances, the order dated 17.9.2007 is set aside and the matter remanded to the learned Tribunal for a re-consideration on the basis of a reasoned order.

The writ petition is accordingly disposed of.