

(2011) 11 P&H CK 0157

High Court Of Punjab And Haryana At Chandigarh

Case No: LPA No. 2007 of 2011 (O and M)

The General Manager, BSNL
Telecom District, Karnal

APPELLANT

Vs

The Presiding Officer, Central
Government Industrial
Tribunal-cum-Labour Court-I,
Chandigarh and another

RESPONDENT

Date of Decision: Nov. 2, 2011

Hon'ble Judges: M.M. Kumar, Acting C.J.; Rajiv Narain Raina, J

Bench: Division Bench

Judgement

Hon"ble M.M. Kumar, Acting Chief Justice

1. The instant appeal under Clause 10 of the Letters Patent has been preferred by the General Manager, BSNL Telecom District Karnal, against the admission order dated 9.12.2010. The learned Single Judge has passed the following order:

Present : Mr. D.R. Sharma, Adv for the petitioner

Relies on an admission of CWP No. 21696 of

2010, where identical issue is involved.

Admitted.

To be heard along with CWP No. 21696 of 2010.

2. Mr. D.R. Sharma, Learned Counsel for the appellant has made an attempt to argue that since the prayer for stay was declined in the admission order passed in CWP No. 21696 of 2010, where identical issue has been raised, the prayer for stay also is considered to have been declined in the writ petition relatable to the instant appeal.

3. Having heard Learned Counsel we are of the considered view that nothing has been pointed out as to how the appellant would fulfill all the three requirements to succeed in securing the order of stay. Neither there is a *prima facie* case nor there is irreparable loss. Even the third factor, namely, balance of convenience is missing as the award is in favour of the workman-respondent No. 2. Accordingly, we find no valid reason to interfere in the order of admission and declining the stay. Consequently the appeal fails and the same is dismissed. However, it is made clear that we have not made any observation on the merit of the controversy and the learned Single Judge shall proceed to decide the matter without being influenced by any of the observation made hereinabove.