

(2008) 07 JH CK 0037
Jharkhand High Court
Case No: None

Tata Iron and Steel Company
Ltd.

APPELLANT

Vs

Dr. S.K. Mishra

RESPONDENT

Date of Decision: July 23, 2008

Citation: (2008) 118 FLR 1085 : (2008) 4 JCR 105

Hon'ble Judges: Gyan Sudha Mishra, C.J; Dilip kumar sinha, J

Bench: Division Bench

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

1. This appeal has been preferred against the order dated 4.4.2008 passed by the learned single Judge in WP(L) No. 5885/2007 by which the writ petition was disposed of by remitting the matter to the Labour Court for fresh consideration of Exhibit 1 which is the letter of resignation alleged to have been written by the respondent-doctor resigning from the post of Medical Officer, Tata Main Hospital who was discharging his duty with the appel-lant-M/s. Tata Iron and Steel Company Ltd.
2. The order passed by the learned single Judge has been challenged by the appellant-management of M/s. Tata Iron and Steel Company Ltd. on the ground that the Labour Court, after scrutiny of the letter of resignation, had been pleased to record a finding that the respondent had resigned from the services of the appellant-Company voluntarily and he was not under threat and coercion to resign from the post of Medical Officer.
3. The submission of the counsel for the appellant-management has been countered by the counsel for the respondent-doctor who submitted that the respondent had been made to resign from the post under coercion and for this purpose he had also approached the police station for lodging FIR and when the

same was refused he approached the Deputy Labour Commissioner for assailing the order accepting his resignation which was given by the respondent-doctor under threat and coercion.

4. The learned single Judge, *prima facie*, found that the findings recorded by the Labour Court was erroneous as it failed to take into consideration the question as to whether the respondent had resigned voluntarily or he was made to resign. Beside this, reliance has also been placed on the Standing Order which indicates that the person resigning from the post is required to send notice to the management regarding his intention to resign which also do not appear to have been followed. The Labour Court did not even take into consideration the procedure which has been envisaged in the Standing Order. Under the circumstances, the learned single Judge thought it appropriate to remand the matter to the Labour Court to consider the case of the respondent-doctor afresh.

5. We find no reason for the appellant-management to feel aggrieved of the impugned order for it will have ample opportunity to address the Labour Court on the questions for which the matter has been remitted to the Labour Court.

Learned Counsel for the appellant however, submitted that the order of remand will ultimately result into an exercise in futility but we do not agree with this contention as it is difficult to infer at this stage whether the finding recorded by the Labour Court is going to be sustained by it or the contention of the respondent-doctor will be taken into consideration in the light of the infirmities pointed out by the learned single Judge.

6. Under the circumstances, there is no reason to interfere with the order passed by the learned single Judge. Consequently, this appeal is dismissed at the stage of admission itself.