

(1997) 01 BOM CK 0006

Bombay High Court

Case No: Writ Petition No. 5022 of 1996

Entrenonde Polycoaters Ltd.

APPELLANT

Vs

Kamgar Sabha, Thane And
Another

RESPONDENT

Date of Decision: Jan. 22, 1997

Citation: (1997) 75 FLR 681 : (1997) 2 LLJ 291

Hon'ble Judges: V.H. Bhairavia, J; Ashok Agarwal, J

Bench: Division Bench

Advocate: P.K. Rele and S.S. Pakale, for the Appellant; U.S. Singh, for the Respondent

Judgement

Ashok Agarwal, J.

Rule. By consent Rule is made returnable forthwith.

2. Respondent No. 1 moved an application for transfer of the proceedings from the Court of Shri Akolkar, Judge of the Industrial Court, Nasik making the allegations of bias against him. The President of the Industrial Court by the impugned order passed on August 20, 1996 has found that the allegations were not justified. Despite these findings, he has proceeded to pass an order of transfer of the proceedings to the Court of Shri J. P. Limaye, Member of the Industrial Court, Thane. This order he has styled as an administrative order of transfer. In our view, the impugned order of transfer is wholly unjustified and the same could not have been passed in the teeth of his finding that the allegations of bias were wholly unjustified.

3. The impugned order, in the circumstances, is set aside. Rule is made absolute.

Shri Akolkar, who have no doubt, will conduct the proceedings dispassionately and without being affected by the application having been made for transfer.

4. The issue of certified copy is expedited.