

GAHC010238042023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/6237/2023

THE MANAGEMENT OF APOLLO HOSPITALS
GUWAHATI, UNIT INTERNATIONAL HOSPITAL, HAVING ITS UNIT AT
ASSAM HOSPITALS LIMITED, LOTUS TOWER, G.S. ROAD, CHRISTIAN
BASTI, GUWAHATI- 781005 BEING REPRESENTED BY ITS CHIEF
OPERATING OFFICER, SRI ABHIJIT SINGH, PERMANENT RESIDENT OF
HOUSE NO . BX1/12, A SOUTH CITY VILL AYALI KHURD P.O. LUDHIANA,
LUDHIANA. PIN - 142027 PUNJAB

VERSUS

ALAKESH BAISHYA
SON OF LATE M.R. BAISHYA , RESIDENT OF SYNERGY PARADISE, BLOCK
1, C-2, 4TH FLOOR, VIDYA MANDIR PATH, BHETAPARA, GUWAHATI-
781028

Advocate for the Petitioner : MR A DASGUPTA

Advocate for the Respondent :

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

18.10.2023

Heard Mr. A. Dasgupta, learned senior counsel assisted by Ms. K. Kalita, learned counsel

for the petitioner.

2. This writ petition is directed against a Judgment and Award dated 21.07.2023 passed by the learned Labour Court, Assam, Kamrup [M] in Case no. 02/2022 registered in exercise of the powers conferred under Section 2-A of the Industrial Disputes Act, 1947, when an approach was made by the respondent against his termination.

3. Issue Rule.

4. LCR be called for.

5. The petitioner shall take steps for service of notice upon the sole respondent by registered post with A/D within 2 [two] working days from today.

6. Mr. Dasgupta, learned senior counsel appearing for the petitioner has submitted that the termination of the respondent/workman was preceded by a domestic enquiry proceedings wherein the petitioner had duly participated. The domestic enquiry proceedings resulted into an enquiry report by an independent enquiry officer appointed for the purpose. It was after finding the charges levelled against the respondent/workman had been proved, the Management took the decision to terminate the services of the respondent/workman. In such view of the matter, the learned Labour Court, Assam, Kamrup [M] ought to have considered the legality and validity of the domestic enquiry proceedings and also about the observance of the principle of natural justice before assuming jurisdiction to consider the evidence led before it. He has further submitted that the learned Labour Court has failed to appreciate the evidence led before it in proper perspective and on merits.

7. Having considered the submissions advanced on behalf of the petitioner, it is observed that the operation of the impugned Judgment and Award dated 21.07.2023 passed in Case no. 02/2022 by the learned Labour Court, Assam, Kamrup [M] shall remain stayed until further orders.

8. List the case after 4 [four] weeks after receipt of the LCR.

JUDGE

Comparing Assistant