

Topic: Administrative Discretion And Article 14

Name of the case: BB Rajwanshi v. State of Uttar Pradesh, AIR 1988 SC 1089

Bench: Justice ES Venkataramiah

Fact of the Case: Section 6 (4) of the UP Industrial Dispute Act 1947, authorized the State Government to remit an order of a labour tribunal for reconsideration of adjudicating authority and that authority was to submit the award to the government. The Supreme Court noted that the section did not require government to hear the parties before remitting the award to the concerned adjudicating authority; The government was not required to give reason for remitting the award and was not required to inform 30 days prior to the date on which it was to reconsider the award.

Ratio: The Supreme Court declared the said provision under UP Industrial Disputes Act, 1947 as unconstitutional under Article 14 of the Constitution. It was observed that the provision cannot be in the absence of necessary statutory guidelines and that the proceedings before the labour court or the industrial tribunal is in the nature of quasi-judicial proceeding where parties have adequate opportunity to state their respective cases, to lead evidence and make all their submission.
