

N.M. Desai vs The Testeels Ltd. And Anr. on 17 December, 1975

Equivalent citations: AIR1980SC2124, (1979)GLR834(SC), (1979)3SCC225, AIR 1980 SUPREME COURT 2124, 1979 (3) SCC 225, (1979) 20 GUJ LR 834, 1980 20 GUJLR 834, 1980 3 SCC 225, 1979 SCC (L&S) 261

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Bench: A.C. Gupta, V.R. Krishna Iyer

JUDGMENT

V.R. Krishna Iyer, J.

1. The appellant, the Conciliation Officer Ahmedabad, preferred this appeal by certificate.
2. The brief facts are that a certain employee of the first respondent was sought to be dismissed by it at a time when there was an industrial dispute pending conciliation. So, the Management sought the approval of the Conciliation Officer as required by the proviso to Section 33(2) of the Indus trial Disputes Act, 1947. The appellant officer passed an order refusing approval but assigning no reasons what ever. The aggrieved Management challenged the said order on the score that a quasi-judicial power could not be exercised without complying with the obligation to pass a speaking order. A Full Bench of the High Court of Gujarat to which it was referred considered the question at great length. The conclusion arrived at was that the order was void because every order passed by a quasi-judicial authority should contain reasons on the face of the order. In this view, the High Court set aside the order and remitted the matter back to the Conciliation Officer. All this took place way back in 1969.
3. We are not persuaded that the proposition of law that appealed to the High Court is wrong. It follows that the order of the Conciliation Officer impugned is bad and the appeal must fail.
4. It transpires that the respondent Management has since reached a settlement of the dispute with the employee concerned and so the question itself has become purely academic. The respondent has not entered appearance either.
5. In these circumstances, the appeal is dismissed without costs.