

ID No.127/2021

18 May, 2022

Learned Presiding Officer is holding camp court at Dehradun. Case is adjourned for 12.10.2022.

Id No. 127/2021

26/05/2022

Present:- Ms. Kawalpreet Kaur, Ld. A/R for the claimant.
Shri Chaman Sharma, Ld. A/R for the management.

The matter came up for hearing of the application filed yesterday praying a clarification on the continuation of the order dated 31.03.2022 until pronouncement of the order on the application filed u/s 33(1) of the ID Act. Since, the matter stands adjourned to 12.10.2022 the claimant applicant was directed to make a Dasti service of the notice on the management. Accordingly a copy of the notice directing the respondent to appeared today for hearing was made over to the applicant for Dasti service. The claimant has filed acknowledgment of the service by the respondent during hearing today. But none appeared on repeated call to represent the medical superintendent Dr. Ram Manohar LOhia Hosptial.

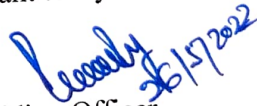
The Ld. A/R for the claimant submitted that the claimant has filed an application u/s 33(1) of the Id Act apprehending change in her service condition pending disposal of the industrial dispute for which a reference has been received from the appropriate government. This tribunal issued notice to the management and heard the submissions of both the parties on the application filed u/s 33(1) of the ID Act on 31.03.2022. On that day the Ld. A/R for the claimant insisted that an interim order need to be passed today as the sword of termination is hanging on the head of the claimant as per the office order dated 28.02.2022. ^{was} considering the same the respondent by order dated 31.03.2022 ^{was} directed the ~~respondent~~ to maintain statusquo as on 31.03.2022 in respect of the service condition of the claimant till the next date of hearing, which was fixed to 12.04.2022 and on that date the order will be passed on the application of the claimant. On 12.04.2022 since, the management filed the written statement and the applicant filed another application u/s 33(1) praying grant of interim protection the order was not passed and the case was adjourned to 18.05.2022 for rejoinder and hearing. On 18.05.2022 since the presiding officer was holding Camp Court at Dehradun the case ^{has} ~~been~~ adjourned to 12.10.2022. ^{was}

Recd
26/5/22

Today during course of hearing the Ld. A/R for the claimant submitted that the management since, threatened the claimant of termination and disobey the order of statusquo she had no other option then to approach the Hon'ble High Court with a contempt petition. The Hon'ble High Court by order dated 10.05.2022 while recording the submissions of the Ld. Counsel for the respondent that the applicant if would report for work, she would not be prevented from entering the office premises. The Hon'ble Court have adjourned the matter to 23rd May 2022 for ascertaining if the undertaking was complied.

In today's petition the claimant apprised that the management is misinterpreting the order of this tribunal passed on 31.03.2022d and threatening the complainant on the pretext that the statusquo order was passed by this tribunal till 12.04.2022 when the order was supposed to be passed. Though, by the order of Hon'ble High Court the claimant is working, she is apprehending termination at any moment. Hence a clarification need to be issued.

Hearing the submissions and after perusal of the order dated 31.03.2022 it appears that the respondent taking advantage of the non extension of the interim order directing to maintain statusquo is threatening the claimant. The order dated 31.03.2022 appears to have been misinterpretate by the respondent. Thus, in order to obviate the obscurity it is hereby clarified that the direction to maintain statusquo as given in the order dated 31.03.2022 was till the next date of hearing when the order was to be passed on the application filed u/ 33(1) of the ID Act. But for reasons evident on record the order could not be passed on that day. Hence, the proper and appropriate interpretation is that the order of statusquo as an interim measure has been granted to the claimant till the order is passed on the application filed u/s 33(1) of the Id Act. The respondent is directed to go by this interpretation and maintain statusquo in respect of the service condition of the claimant petitioner till the order is passed on the application filed u/s 33(1) of the Id Act. This order is passed since, the respondent has already appeared in the proceeding. Call the matter on the date already fixed. A copy of this order be made available to the claimant today for Dasti Service of the same on the respondent.


Presiding Officer
26/05/2022


Received
26/5/22