**IN THE HIGH COURT OF****KARNATAKA** **AT BANGALORE**

Writ Petition No. 9456 of 2005 (S-RES)

Decided On: 09.07.2012

Appellants: **The Secretary, Pavan Polytechnic, Kolar**
**Vs.**
Respondent: **Miss G. Sandhya and another**

**Hon'ble Judges/Coram:**
H.N. Nagamohan Das, J.

**ORDER**

**H.N. Nagamohan Das, J.**

1. In this writ petition the petitioner has prayed for a writ in the nature of certiorari to quash the judgment dated 13-7-2004 in EAT No. 2 of 1999 -- Annexure-E passed by the Appellate Tribunal and District Judge at Kolar. Respondent 1 contends that she was working in petitioner Polytechnic from 1996. Without notice, without enquiry and without providing an opportunity she was terminated from service in the month of July 1999. Aggrieved by this termination respondent 1 filed an appeal in EAT No. 2 of 1999 before the Tribunal under Section 94 of the Karnataka Education Act, 1983. The Tribunal after hearing arguments passed the impugned judgment directing reinstatement with 50% backwages. Hence, this writ petition.

2. Heard arguments on both the side and perused the entire writ papers.

3. Learned Counsel for the petitioner submits that the documents maintained by them do not disclose that respondent 1 worked in their institution. According to the petitioner the experience certificates and relieving order relied on by respondent 1 are all forged and fabricated documents. On the other hand learned Counsel for respondent 1 disputes this contention of the learned Counsel for petitioner. It is contended that respondent 1 has worked in the petitioner establishment between 1995 and 1999.

4. Learned Counsel for the petitioner submits that if an opportunity is provided then they will place the necessary documents in their possession before the Tribunal. Learned Counsel for respondent 1 submits that they have got evidence to show that she was not gainfully employed during the controversial period and is entitled for full backwages.

5. It is seen from the record that both the parties have not let in any evidence. The Tribunal after completion of the pleadings has not framed any issues. It is necessary for the Tribunal to frame issues on the basis of pleadings. In the circumstances the matter has to go back for fresh disposal.

6. By remanding the matter respondent 1 will be put to some inconvenience. In order to mitigate the inconvenience to respondent 1 the petitioner shall pay a monthly remuneration of Rs. 2,000/-. For the reasons stated above, the following.--

ORDER

i. Writ petition is hereby allowed.

ii. The impugned judgment dated 13-7-2004 in EAT No. 2 of 1999 is hereby quashed.

iii. The matter is remanded to the Tribunal for fresh disposal in accordance with law as expeditiously as possible and not later than six months from the date of receipt of copy of this order.

iv. Registry is hereby directed to remit the records forthwith to the Tribunal.

v. From 1-7-2012 the petitioner shall pay monthly remuneration of Rs. 2,000/- to respondent 1 or deposit the same before the Tribunal till the completion of the proceedings before the Tribunal.