

SUPR EME COUR T OF I ND I A
RECORD OF PROCEEDINGS

BEFORE THE REGISTRAR S.G. SHAH

Petition(s) for Special Leave to Appeal (Civil) No(s).19536/2005

(From the judgement and order dated 28/04/2005 in WP No. 2/2001 of
The HIGH COURT OF CHATTISGARH AT BILASPUR)

HINDUSTAN STEEL WORKS CONSTRUCTION & ORS

Petitioner(s)

VERSUS

JANWADI MAZDOOR EKTA KENDRA & ANR.

Respondent(s)

(With prayer for interim relief and office report)

- WITH S.L.P.(C)...CC NO. 12040 of 2005
(With prayer for interim relief and office report)
- S.L.P.(C)...CC NO. 1866 of 2006
(With office report)
- S.L.P.(C)...CC NO. 1908 of 2006
(With office report)
- SLP(C) NO. 19398 of 2006
(With prayer for interim relief and office report)
- SLP(C) NO. 1965 of 2006
(With office report)
- SLP(C) NO. 19860-19877 of 2005
(With office report)
- SLP(C) NO. 20841 of 2005
(With office report)
- SLP(C) NO. 6976 of 2006
(With prayer for interim relief and office report)

Date: 26/07/2011 This Petition was called on for hearing today.

For Petitioner(s)

- Ms. Shipra Ghose,Adv.
- Mr. H.K. Puri, Adv.
- Ms. Priya Puri, Adv.

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For Respondent(s)

- Mr. H.K. Puri,Adv.
- Mr. Dharam Bir Raj Vohra ,Adv
- Ms. Shipra Ghose, Adv.

UPON hearing counsel the Court made the following
ORDER

SLP(C) NO. 19860-19877 of 2005 shall be listed before Hon'ble
Judge in Chambers at the earliest without waiting for any formal order
or any other order in any of the connected SLP for adjudication for an
application for legal heirs of deceased respondent.

Unfortunately, in S.L.P.(C)...CC Nos. 12040 of 2005, 1866 of
2006 and 1908 of 2006 some respondents are yet unserved. Similarly in
SLP(C) NO. 1965 of 2006 and SLP(C) NO. 6976 of 2006 some respondents

are yet unserved. It is unfortunate that all such SLPs are pending for confirming service for last 5 to 6 years. It is further unfortunate that petitioners are repeatedly relying upon Office Reports or waiting for Office Report for confirming and performing their duties. It is the basic duty of the petitioner to see that notices are served at the earliest.

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In the present case order to issue notice is dated 30 September, 2005, 6 years had left. Perusal of all the Record of Proceedings reveals that there is delay on the part of the petitioner to confirm service. At least on some occasions even they have failed to pay process fee in time therefore, Hon'ble Chamber Judge had to condone such delay. Even after order to issue fresh notice, petitioners have

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failed to confirm the service for all the 6 years.

In view of the above facts, as last chance, petitioners are directed to confirm service upon unserved respondents through dasti mode such dasti is permitted to be served through nearest Civil Court or Trial Court.

The fact remains that this being a labour dispute, petitioners aware about respondents and they can easily locate them.

If some respondents are served in any connected SLP, learned counsel for the petitioner in that SLPs are permitted to confirm service through such advocates who have filed appearance for such respondents.

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Process fee and spare copies be paid before 6 August, 2011, if

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not paid before 6 August, 2011, list the matter before Hon'ble Judge in Chambers for non-prosecution.

If paid, issue notice as per above order.

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If proof of service is not file before 27 September, 2011, list the matter before Hon'ble Judge in Chambers for non-prosecution without waiting for any formal order from this court.

So far as SLP(C) No. 19536 of 2005 is concerned there is an ambiguity with reference to the application for substitution. Learned counsel for the petitioner says that probably they have not filed any such application since it is not required in SLP(C) No. 19536 of 2005 and in fact such application is filed in SLP(C) NO. 19860-19877 of 2005.

Registry has to verify the record and such application is directed to be list before Hon'ble Judge in Chambers at the earliest as directed in first part of this order.

(S.G. Shah)
Registrar

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