

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S).464 OF 2013

TOBU ENTERPRISES LTD. ... APPELLANT(S)

VERSUS

LABOUR COMMR. & ANR. ...RESPONDENT(S)

O R D E R

Heard learned counsel for the parties.

Having regard to the facts and circumstances of the case, the material available on record, the rival submissions advanced, concurrent findings of fact recorded by the courts below, reasons recorded in the impugned judgment and order, particularly the undisputed fact that the concerned workmen, the respondent no.2 herein, who have been appointed much prior to the date of establishment of the appellant enterprises, to which place these workmen have been

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Vinod Kumar
Date: 2015.12.08
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Reason:

transferred by the appellant in the year 1994 and the fact that the Labour Court has followed the decision

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of this Court in the case of Kundan Sugar Mills v. Ziyauddin, AIR 1960 SC 650, wherein it was held that there was no inherent right in an employer to transfer an employee to another place in the absence of any express or implied term in the contract of service, we do not find any good reason to interfere with the impugned judgment and order. Since we are in respectful agreement with the concurrent finding of

fact recorded by the High Court as it has recorded valid and cogent reasons and the conclusions arrived at by the High Court based on facts and material on record, the same are in conformity with the principles of law, we are satisfied that it is not a fit case for our interference.

In view of the above, the appeal is dismissed.

Pending application(s), if any, also stand(s) disposed of.

.....J.
(V. GOPALA GOWDA)

.....J.
(S.A. BOBDE)

NEW DELHI,
DECEMBER 03, 2015

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ITEM NO.105

COURT NO.10

SECTION XV

S U P R E M E C O U R T O F
R E C O R D O F P R O C E E D I N G S

I N D I A

Civil Appeal No(s). 464/2013

TOBU ENTERPRISES LTD.

Appellant(s)

VERSUS

LABOUR COMM. & ANR.

Respondent(s)

(with interim relief and office report)

Date : 03/12/2015 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V. GOPALA GOWDA
HON'BLE MR. JUSTICE S.A. BOBDE

For Appellant(s)

Mr. H. K. Chaturvedi, Adv.

For Respondent(s)

Mr. Gagan Gupta, Adv.
Mr. Saurabh Gupta, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The appeal is dismissed in terms of the signed order.

Pending application(s), if any, also stand(s)
disposed of.

(VINOD KUMAR)
COURT MASTER

(MALA KUMARI SHARMA)
COURT MASTER

(Signed order is placed on the file)