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SLP(C)No. 20617 OF 2000

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ITEM No.7

Court No. 8

SECTION XV
A/N MATTER

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.20617/2000

(From the judgement and order dated 16/08/2000 in CMWP 26335/98
of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

U.P. STATE ELECTRICITY BOARD

Petitioner (s)

VERSUS

PREM PRAKASH

Respondent (s)

(With Appln(s). for bringing addl. facts and documents on
record & with prayer for interim relief & office report)
(For Final Disposal)

With

SLP(C)No.20726/2000,

(with prayer for interim relief & office report)

(For Final Disposal)

SLP(C)No.6004/2001,

(with prayer for interim relief & office report)

(For Final Disposal)

SLP(C)No.6005-6009/2001

(with appln. for exemption from filing OT & with prayer for
interim relief & office report)

(For Final Disposal)

Date : 19/09/2001 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.B. SHAH

HON'BLE MR. JUSTICE R.P. SETHI

For Petitioner (s) Mr. Pradeep Misra,Adv.

For Respondent (s) Mr. B.K.Satiya,Adv.

Mr. Pramod K Sinha, Adv.

UPON hearing counsel the Court made the following

O R D E R

SLP(C) Nos.20617, 20726/2000 and 6004/2001@@

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Learned counsel for the workmen-respondents agrees that
workmen would not claim any back-wages if they are re-instated in
service on or before 1st October, 2001. Learned counsel
appearing on behalf of the petitioner-Board states that
appropriate orders re-instating the respondents, as per the
directions of the High Court, would be issued on or before 1st
October, 2001. It is made clear that the respondents-workmen
will not be entitled to any back-wages. With this modification
in the impugned order passed by the High Court, the petitions
stand disposed of. ...2/-

SLP(C) No.6005-6009/2001@@

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Learned counsel appearing on behalf of the petitioner-Board submits that respondents-workmen in-conivance with the Officers have produced forged Award passed by the Labour Court. For this purpose he relies upon the certificate issued by the Presiding Officer, Labour Court, Varanasi on 13th December, 1999 (page 75 of the Paper Book) wherein it has been inter-alia stated that Adjudication Case No.151/90 entitled Ravi Prakash S/o Sh. Rama Shankar and Adjudication Case No.209/90 Krishnamani S/o Sh. Rajender have not been registered in before the Labour Court. Therefore, it was not possible to give any certified copy of the Award.

In our view, this is a serious thing for which appropriate action is required to be taken if in reality respondents-workmen have committed any fraud. For this purpose it would be open to the petitioner to approach the High Court for review of the impugned judgment and order. Hence, this petition is disposed of accordingly.

Petitioner to file review application before the High Court and High Court would decide the same in accordance with law, and in any case, would see that appropriate orders are issued for finding out whether, in reality, Adjudication Case Nos.151 and 209/90 were decided by the Labour Court in favour of the workmen. Meanwhile interim order passed by the High Court shall continue.

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(D.L. Chugh)
Court Master

(K.K. Chadha)
Court Master