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SLP(C)No. 4348 OF 2003
ITEM No.52

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
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No.4348/2003

(From the judgement and order dated 25/11/2002 in WP 6680/02
of The HIGH COURT OF U.P AT LUCKNOW)

STATE OF U.P. & ORS.

Petitioner (s)

VERSUS

DILIP KUMAR PANDEY

Respondent (s)

(With prayer for interim relief and office report)
(With Appln(s). for exemption from filing O.T.)

Date : 15/09/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE RUMA PAL
HON'BLE MR. JUSTICE P. VENKATARAMA REDDI

For Petitioner (s) Mr.Ravi P. Mehrotra,Adv.
Mr.Ranveer Singh,Adv

For Respondent (s) Mr. Dharam Bir Raj Vohra,Adv.

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

Leave granted. The appeal is allowed with no order as to costs.

(USHA BHARDWAJ)
P.S. TO REGISTRAR

(MADHU SAXENA)
COURT MASTER

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO...../2003

(Arising out of SLP(Civil) No.4348 of 2003)

State of U.P. & Ors.

...Appellant

vs.

Dilip Kumar Pandey

...Respondent

O R D E R

Leave granted.

The appeal is against an order of the High Court by which the High Court rejected the writ petition filed by the appellants only on the ground that it was filed after about two and a half years.

In the writ petition, the appellants had stated that the Labour Court's award was, in fact, an ex-parte award. It was also stated that notice had been served on the department which had been wound up and as such the appellants had no knowledge of the ex-parte award. It is the further case of the appellants that they came to know of the award only when an order of attachment was passed attaching the accounts of the appellants'. This explanation has not at all been considered by the High Court while dismissing the appellant's writ petition in limine. We are of the view that the explanation given is a reasonable one and in the absence of opposition filed by the respondent, it should have been accepted. In that view of the matter, we set aside the decision of the High Court and remand the matter back to the High Court to decide the writ petition afresh on merits.

The appeal is allowed but without any order as to costs.

.....J.

(RUMA PAL)

.....J.

(P.VENKATARAMA REDDI)

New Delhi,

Dated : 15.9.2003