

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).11906/2007
(From the judgement and order dated 05/05/2006 in CWP No. 12287/2003
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

STATE OF HARYANA

Petitioner(s)

VERSUS

ISHWAR SINGH

Respondent(s)

(With prayer for interim relief and office report)

Date: 21/04/2008 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE C.K. THAKKER

HON'BLE MR. JUSTICE D.K. JAIN

For Petitioner(s) Mr. Shish Pal Laler, Adv.
Mr.T.V.George,Adv.

For Respondent(s) Mrs.K. Sarada Devi,Adv.

UPON hearing counsel the Court made the following
ORDER

Leave granted.

On the order being complied with, the High Court will
restore the main matter to file and will decide the same on its own
merits. If the order is not complied with within four weeks from
today, the order passed by the High Court shall remain and this
appeal will stand dismissed.

The appeal is disposed of in terms of the signed order. No
costs.

[Charanjeet Kaur]
Court Master

[Vinod Kulvi]
Court Master

[Signed order is placed on the file]
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2876 OF 2008
(Arising out of SLP(C) No. 11906/2007)

State of Haryana

.. Appellant(s)

Versus

Ishwar Singh

.. Respondent(s)

ORDER

Leave granted.

In the present appeal an order dated May 5, 2006 passed by the

High Court under Section 17-B of the Industrial Disputes Act, 1947 (for short the Act) was challenged. The Labour Court passed an award in favour of the respondent-workman granting reinstatement and full back wages. When the said award was challenged by the appellant, the High Court passed an order that the petitioner before the High Court would comply with the order in terms of Section 17-B of the Act. Time of ten days was granted to comply with the order. the order, however, was self-operative and the matter was adjourned to May 19, 2006.

The Court stated:

".... It is made clear that if the compliance is not made as aforestated the petition shall stand dismissed automatically without the same being placed before the Bench."

It is no doubt true that the appellant has approached this Court against the order passed by the High Court and ad-interim relief was granted by this Court but since learned counsel for the appellant was not present on December 11, 2008, ad-interim order was vacated.

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Today, the learned counsel for the appellant submitted that the appellant-State will comply with the order under section 17-B of the Act and on such compliance being made, the High Court may be asked to hear the matter on merits.

Having heard learned counsel for the parties, in our opinion, ends of justice would be met if we direct the appellant to comply with the order under Section 17-B of the Act. Ordered accordingly. Such compliance will be made within four weeks from today. On the order being complied with, the High Court will restore the main matter to file and will decide the same on its own merits. If the order is not complied with within four weeks from today, the order passed by the High Court shall remain and this appeal will stand dismissed.

The appeal is, accordingly, disposed of. No costs.

.....J
[C.K. THAKKER]

.....J

[D.K. JAIN]
NEW DELHI,
April 21, 2008.