



IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOs.5686-5690/2001@@  
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The Executive Director, .....Appellant(s)  
Distt.Scheduled Castes  
Service Co-op.Society Ltd.

Vs.

Smt. K.Rajeswari & Ors. ....Respondent(s)

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The appellant is the District Scheduled Castes Service Co-operative Society Ltd., Nellore. The respondents were engaged by the appellant on daily wage basis from 1984. According to the appellant, the services of these respondents were no longer required, and they were terminated from service in 1988. The respondents filed claim petition under sections 50 and 51 of the A.P. Shops & Establishments Act, 1988. The authority under the Act held that the termination of service of these respondents was illegal and the appellant was directed to reinstate these employees. The appellant filed an appeal before the appellate authority under the Shops and Establishments Act, which was dismissed. Thereafter a Second Appeal was filed before the Deputy Commissioner of Labour. Second Appeal was dismissed and the appellant unsuccessfully challenged the order before the High Court.

According to the appellant, the appellant-society does not come within the purview of A.P. Shops & Establishments Act as it is not a commercial establishment. It may also be noted that out of five respondents, three of them have filed I.A. wherein they have stated that these respondents have already approached the Labour Court, Nellore and therefore, they do not wish to continue the proceedings now pending before the Court. The other two respondents, though served with notice, had not chosen to appear. The appellant's counsel states that these two respondents had not approached the appellant for reinstatement. The appellant has not produced either the order passed by the primary authority or by the appellate authority or by the second appellate authority. Hence, it is not possible to decide the larger issue. We do not also find it necessary to consider the question whether appellant is a commercial establishment or not especially when three of the contesting respondents have already approached Labour Court. So, leaving the question open as to whether the appellant is a commercial

establishment coming under the Shops & Establishments Act, the  
appeals are dismissed.

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.....J.  
(K.G. BALAKRISHNAN)@@  
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NEW DELHI,  
JANUARY 15, 2003

.....J.  
( P.VENKATARAMA REDDI )