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SLP(C)No. 16211 OF 2000

ITEM No.42

Court No.10

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.16211/2000

(From the judgement and order dated 23/06/1999 in WP 2187/95
of The HIGH COURT OF M.P AT JABALPUR)

DAYA RAM

Petitioner (s)

VERSUS

DIVISIONAL ENG.(O & M), M.P. ELEC. BOARD

Respondent (s)

(With Appln(s). for c/delay in filing SLP and exemption from filing
O.T.)

(With Office Report)

Date : 30/04/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.P. MOHAPATRA
HON'BLE MR. JUSTICE SHIVARAJ V. PATIL

For Petitioner (s)

Mr. Ashok Kumar Sharma,Adv.

For Respondent (s)

Mr. Satish K. Agnihotri,Adv.
Ms. Yogmaya,Adv
Mr. Rohit K. Singh,Adv.
Mr. Anil Kr. Pandey,Adv.

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

.....L.....I.....T.....T.....T.....T.....T.....T.....J.....
.SP2

Delay condoned. Exemption allowed.
Leave granted.
The appeal is allowed.

.SP1

(Meena Sarin)
AR Cum PS

(V.P. Tyagi)
Court Master

Signed order is placed on the file.

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CIVIL APPEAL NO. 3388 OF 2001@@
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(Arising out of SLP(C)No. 16211/2000)

Daya Ram Appellant (s)

versus

Divisional Eng.(O & M),M.P. Respondent(s)
Elec.Board

O R D E R@@
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.....L.....I.....T.....T.....T.....T.....T.....T.....J.....
.SP2

Delay condoned.
Leave granted.

On perusal of the records and on consideration of the submissions made by learned counsel for the parties, we are of the view that the Industrial Court, Bench at Bhopal should have decided the case on merit instead of dismissing the First Appeal solely on the ground of delay. The delay in filing of the appeal was 52 days. The High Court also in the writ petition did not apply its mind to the case on merit but merely confirmed the judgment/order of the Industrial Court. It is our view that for the sake of proper adjudication of the dispute raised in the case and for the ends of justice the matter should be remitted to the Industrial Court for disposal on merit after giving opportunity of hearing to the parties.

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Accordingly, the appeal is allowed. The judgment/order of the Industrial Court, Bhopal Bench, in Appeal No. 2309/MIPR/92 dated 21.4.95 and the judgment/order of the High Court confirming the same are set aside. The case is remitted to the Industrial Court for disposal on merit in accordance with law after giving opportunity of hearing to the parties.

.SP1

.....J
(D.P. MOHAPATRA)

.....J
(SHIVARAJ V PATIL)

New Delhi,
April 30, 2001

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