

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS  
CIVIL APPEAL NO(s). 3114 OF 1998

STATE OF UP & ORS

Appellant (s)

VERSUS

PRESIDING OFFICER LABOUR COURT & ANR

Respondent(s)

(With appln(s) for clarification of court's order and with office report)

Date: 10/01/2013 This Application/Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE CHANDRAMAULI KR. PRASAD  
HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA

For Appellant(s) Mr. Gaurav Bhatia, AAG (State of U.P.)  
Mr. Abhishek Choudhary, AOR  
Mr. Gautam Talukdar, Adv.

For Respondent(s) Mr. Mehul Milind Gupta, Adv.  
Mr. Sushendra K. Chauhan, Adv.  
Mr. R.P. Gupta, Adv.

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

I.A. No.2/2012 in Civil Appeal No.3114/1998

The State of U.P. and its functionaries have filed this appeal aggrieved by the order of the High Court affirming the award of Labour Court directing regularisation of the service of respondent No.2 as Mali.

While issuing notice, this Court by order dated 19.08.1997 stayed the order under challenge. Later on, by order dated 15.05.1998, leave was granted and the order of stay was directed to continue.

However, on 09.08.2000, the appeal was dismissed for default and interim stay was vacated. On an application filed by the appellant, by order dated 30.07.2001, the appeal was restored to its file but the interim orders for stay passed on 19.08.1997 and 15.05.1998 respectively, were not revived.

I.A. No.2 of 2012 has been filed by respondent no.2 inter alia praying to clarify that the order dated 30.07.2001 has not restored the interim order passed earlier on 19.08.1997. It is assertion of the applicant that though there is no stay order, the Labour Commissioner is not proceeding in the proceeding initiated for implementation of the award.

Having heard learned counsel for the parties, we clarify that the restoration of Civil Appeal No.3114 of 1998 by order dated 30.07.2001 has not revived the interim order passed by this Court on 19.08.1997 and therefore, the authorities are free to proceed in the matter in accordance with law.

I.A. No.2 of 2012 stands disposed of with the aforesaid observations.

List the matter after the disposal of pending Civil Appeal  
No.897 of 2002 (State of U.P. vs. Jai Bir Singh).

	(Sanjay Kumar)	Court Master		(Indu Satija)	
			Court Master		