

ITEM NO.103

COURT NO.5

SECTION XV

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

Civil Appeal No.3118 of 2011

M/S NESTLE INDIA LIMITED

Appellant(s)

VERSUS

DILOUR BHARTI

Respondent(s)

Date : 01/09/2015 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE PRAFULLA C. PANT

For Appellant(s) Mr. Ashok A. Desai, Sr. Adv.
Ms. Meera Mathur, AOR

For Respondent(s) Mr. Vikas Mahajan, Adv.
Mr. Vishal Mahajan, Adv.
Mr. Arun Singh, Adv.
Mr. Amarnath Singh, Adv.
Mr. Dharam Bir Raj Vohra, AOR

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

In course of hearing, we have been apprised that the respondent-workman is dead.

It is submitted by Mr. Vikas Mahajan, learned counsel appearing for the respondent that when the labour Court had directed for fresh inquiry by itself, regard being had to the fact that the domestic inquiry was invalid and the said order of labour Court has received affirmance from the High Court, the order of dismissal, as a fall out, cannot exist.

It is urged by him that the inquiry eventually leads to the order of punishment and if the inquiry is set aside, the fundamental infrastructure becomes extinct and, thereby, the super structure is bound to collapse. On this foundation, Mr. Vikas Mahajan, has contended that the legal heirs could be entitled to the amount due from the employer. He prays for two weeks' time to bring the legal heirs on record.

Let the matter be listed after four weeks.

(Chetan Kumar)
Court Master

(H.S. Parasher)
Court Master