

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(s).18683/2007

(From the judgement and order dated 21/03/2007 in WP No.7274/2001
of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

STATE OF U.P.& ORS. Petitioner(s)

VERSUS

KRISHNA CHANDRA TIWARI Respondent(s)

(With appln(s) for vacating stay, PERMISSION TO PLACE ADDL. FACTS AND
GROUNDS and office report))

Date: 29/08/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU
HON'BLE MR. JUSTICE CHANDRAMAULI KR. PRASAD

For Petitioner(s) Ms. Shobha Dikshit, Sr. Adv.
Mr. Pradeep Misra, Adv.
Mr.Kunal Verma, Adv.

For Respondent(s) Mr. Lakshmi Raman Singh, Adv.
Ms.Udita Singh, Adv.
Ms. Urvashi S. Pathak, Adv.

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

Leave granted.

The Appeal stands disposed of in terms of the signed
order.

(Parveen Kr. Chawla)
Court Master

(Indu Satija)
Court Master

[signed order is placed on the file]
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 7529 OF 2011
@ SLP(C) No.18683 of 2007

State of U.P. & Others ..Appellants

versus

Krishna Chandra Tiwari ..Respondent

O R D E R

Leave granted.

Heard learned counsel for the parties.

The State of U.P., aggrieved by the order of the High Court dismissing the writ application filed against the award, has come up before us.

Respondent was appointed as Chowkidar on daily wages on 01st October, 1986. His services were terminated on 16th October, 1990. A dispute was raised and accordingly the State Government made a reference to the Labour Court.

The Labour Court held that respondent had worked for more than 240 days and his service was terminated without giving compensation under Section 25F of the Industrial Disputes Act and accordingly he was directed to be reinstated.

The challenge made by the appellants of the aforesaid award in the writ petition has failed.

An application has been filed on behalf of the appellants for taking additional facts on record. In that, materials have been produced to show that the respondent had

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not worked for 240 days in a year. The aforesaid material was not produced before the Labour Court. Though, we are not inclined to appraise the said material in this appeal for the first time, in our opinion, the said material has an important bearing on the facts in issue.

On this ground alone, the award of the Labour Court as also the order of the High Court are set aside and the matter is remitted back to the Labour Court to consider the matter afresh after giving an opportunity to the appellants and the respondent to lead such other evidence as they intend to bring on record in support of their respective case. It is made clear that we have not expressed any

opinion in regard to the merits of the case of the parties.

The Appeal stands disposed of in the aforesaid terms.

.....J.
[MARKANDEY KATJU]

NEW DELHI;
AUGUST 29, 2011

.....J.
[CHANDRAMAULI KR. PRASAD]