

ITEM NO.6

COURT NO.4

SECTION IV-C

**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 (C) No(s).7075-7076/2022

(Arising out of impugned final judgment and order dated 25-08-2021 in WPC No. 3438/2021 and 25-08-2021 in WPPIL No. 19/2021 passed by the High Court of Chhatisgarh at Bilaspur)

AGRALAL JOSHI

Petitioner(s)

VERSUS

THE STATE OF CHHATTISGARH &amp; ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.58006/2022-EXEMPTION FROM FILING O.T. and IA No.58005/2022-PERMISSION TO PLACE ON RECORD SUBSEQUENT FACTS)

Date : 09-05-2022 These petitions were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

HON'BLE MR. JUSTICE SURYA KANT

For Petitioner(s) Mr. Gaurav Agrawal, Adv.  
Mr. Ashutosh Ghade, AOR  
Ms. Anchal Kumar Matre, Adv.  
Mr. Shantanu S. Kanade, Adv.

For Respondent(s)

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

- 1 The petitioner took charge of the post of the President of the Industrial Court at Raipur on 24 August 2021 in pursuance of a notification of appointment dated 12 August 2021.
- 2 A public interest litigation was pending before the High Court of Chhattisgarh. Under the Chhattisgarh Labour Judicial Service (Recruitment and Conditions of Service) Rules 2015, appointment to the post of President of the Industrial Court was to be made by the State Government on the recommendation of the High

Court. The Rules were amended with effect from 19 July 2021, by which the provision for recommendation of the High Court was deleted. The amended Rules have been challenged before the High Court. After the petitioner took charge, the High Court passed an interim order on 25 August 2021 staying his appointment.

3 Mr Gaurav Agrawal, counsel appearing on behalf of the petitioner, states that the petitioner has filed his counter affidavit in the pending petition. On 7 December 2021, the High Court noted that the pleadings are complete and in terms of the request by counsel for the parties, the petition would be disposed of at the stage of admission. Hence, the proceedings were listed on 18 January 2022. On 18 January 2022, the High Court directed that the Registry shall list the proceedings for final hearing on 14 February 2022 since the petition already stood admitted on 25 August 2021. In view of the fact that the High Court was listing the proceedings for final hearing, the application for vacating the interim order dated 25 August 2021 was not considered.

4 As a consequence, the petitioner is neither being heard on his application for vacating the stay, which was granted on 25 August 2021, nor is the petition being taken up for final disposal in view of the exigencies of judicial work. The petitioner has retired from the State Judicial Service and is unable to discharge his functions in the Industrial Court at Raipur.

5 In view of the above backdrop, we request the High Court to take the petition for hearing and final disposal and to endeavour to complete the disposal of the proceedings within three months from the date of this order. In the event that the High Court is unable to dispose of the petition by 31 July 2022, the application filed by the petitioner for vacating the interim order of stay shall be taken up on the basis of priority and while dealing with the application, the High

Court shall not be bound by any of the observations contained in the *ex parte* order staying the appointment of the petitioner.

6 The petitions shall stand disposed of in the above terms.

7 Pending application, if any, stands disposed of.

**(SANJAY KUMAR-I)**  
**AR-CUM-PS**

**(SAROJ KUMARI GAUR)**  
**COURT MASTER**