

:
SLP(C)No. 13422 OF 2000

ITEM No.42

Court No. 3

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.13422/2000
(From the judgement and order dated 16/02/2000 in DBCSA 915/99
of The HIGH COURT OF RAJASTHAN AT JAIPUR)

STATE OF RAJASTHAN & ANR

Petitioner (s)

VERSUS

SURENDRA PRATAP GAUR

Respondent (s)

(With prayer for interim relief and office report)

Date : 12/02/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. KIRPAL
HON'BLE MRS. JUSTICE RUMA PAL

For Petitioner (s) Mr. A Mishra, Adv. for
Mr. Sushil Kumar Jain, Adv.

For Respondent (s) Dr.(Mrs.) Vipin Gupta, Adv.

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

.....L.....I.....T.....T.....T.....T.....T.....T.....T.....T.....J.R

Special leave granted.

The appeal is allowed, the order of the Single Judge and that of the Division Bench are set aside and the High Court is directed to decide Civil Writ Petition No. 5304 of 1999 afresh and to decide whether the respondent was employed in an industry or not. It will be open to the parties to raise such contentions as may be available to them in accordance with law, before the High Court.

(D.P. WALIA)
Court Master

(D.D. JINDAL)
Court Master

(Signed Order is placed on the file)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2001@@
CC
[arising out of S.L.P.(C) No.13422/2000]

State of Rajasthan & Anr. ..Appellant(s)

vs.

Surendra Pratap Gaur ..Respondent(s)

O R D E R@@
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Special leave granted.

One of the question which arises for consideration is whether the respondent was employed in an industry. According to the appellants, the establishment where the respondent was employed is not an industry and he was employed in what is known as Rang Manch which merely exhibits documentary films, etc., showing the achievements of the Government. This aspect has not been dealt with either by the Single Judge or the Division Bench notwithstanding the fact that the contention to this effect was specifically raised before the Single Judge.

We, accordingly, allow this appeal, set aside the order of the Single Judge and that of the Division Bench and direct the High Court to decide Civil Writ Petition No. 5304 of 1999 afresh and to decide whether the respondent was employed in an industry or not. It will be open to the parties to raise such contentions as may be available to them in accordance with law, before the High Court.

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.....J.
(B.N. KIRPAL)

New Delhi;
February 12, 2001.

.....J.
(RUMA PAL)

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