

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(s). 1980 OF 2010

UPTRON INDIA LTD. ... APPELLANT(S)

VERSUS

VIJAY KUMAR SINGH & ORS. ...RESPONDENT(S)

O R D E R

Heard learned counsel for the appellant.

The correctness of the order of vacating the interim order in a pending matter where the Award passed by the Labour Court in relation to 28 workmen is challenged before this Court.

It is well settled proposition of law that normally against an interim order passed in the case of this nature unless grave injustice is caused, this Court shall not interfere in exercise of its appellate jurisdiction under Article 136 of the Constitution of India. Further, the High Court on the basis of the counter statement filed by the workmen and after hearing the parties has categorically recorded the finding of fact holding that there is no justification on the part of the appellant herein not to pay the salary to the respondents herein. The learned counsel for the appellant further invited our attention that

the matter is pending before the Company Law Board. This aspect is totally irrelevant for our consideration to examine the correctness of the order of the High Court wherein it has vacated the interim stay and permitted the Labour Court to proceed in accordance with law to execute the award. Since the interim order is vacated by the High Court, we need not interfere with the same.

Consequently, the appeal being devoid of merits is dismissed accordingly. The Labour Court may further proceed to execute the Award against the appellant expeditiously as the proceedings are kept pending unnecessarily at the instance of the appellant on account of which the respondents have been put to hardship.

.....J.
(V. GOPALA GOWDA)

.....J.
(C. NAGAPPAN)

NEW DELHI,
MARCH 18, 2015

ITEM NO.108

COURT NO.9

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(s). 1980/2010

UPTRON INDIA LTD.

Appellant(s)

VERSUS

VIJAY KUMAR SINGH & ORS.

Respondent(s)

(With interim relief and office report)

Date : 18/03/2015 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V. GOPALA GOWDA

HON'BLE MR. JUSTICE C. NAGAPPAN

For Appellant(s) Ms. Lalita Kohli, Adv.
Mr. Abhishek Swarup, Adv.
For M/s Manoj Swarup & Co., Adv.

For Respondent(s) Mr. Bisheswar Parsad Singh, Adv.
Mr. K. K. Kumar, Adv.
Mr. Hitesh Kumar Sharma, av
Mr. M. A. Krishna Moorthy, Adv.

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

The appeal is dismissed in terms of the signed order.

(S. K. RAKHEJA)
COURT MASTER

(MALA KUMARI SHARMA)
COURT MASTER

(Signed order is placed on the file)