

\$ITEM NO.128

COURT NO.6

SECTION XV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 297 OF 2007

M/S. KANWARJI BHAGIRATHMAL

Appellant (s)

VERSUS

E.S.I. CORPN.

Respondent(s)

Date: 28/04/2010 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU
HON'BLE MR. JUSTICE A.K. PATNAIK

For Appellant(s) Mr. Rajiv Nanda,Adv.

For Respondent(s) Mr. V.J. Francis,Adv.
Mr. Anupam Mishra, Adv.

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

The Appeal is allowed in terms of the signed order.
No costs.

(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.297 OF 2007

M/s. Kanwarji Bhagirathmal

..Appellant

versus

E.S.I. & Others

..Respondents

O R D E R

Heard learned counsel for the parties.

The point involved in this case is squarely covered
by a decision of this Court in the case of Fertilizers &
Chemicals Travancore Ltd. Vs. Regional Director, ESIC &
Others reported in (2009) 9 SCC 485.

Hence, we allow this appeal, set aside the impugned order of the Division Bench, learned Single Judge as well as of ESI Court and remand the matter to the ESI Court for deciding it afresh in accordance with law after impleading some of the workmen, if not all of them, or their trade union in a representative capacity. No costs.

.....J.
[MARKANDEY KATJU]

NEW DELHI;
APRIL 28, 2010

.....J.
[A.K. PATNAIK]