

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. 5098 OF 1998@@  
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U.O.I. & ANR. ...APPELLANTS

VERSUS

RAM PRASAD RAI & ORS. ...RESPONDENTS

Date : 27/03/2003 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SHIVARAJ V. PATIL  
HON'BLE MR. JUSTICE ARIJIT PASAYAT

For Appellant (s) Mr. Mukul Rohtagi, ASG  
Mr. P.S. Narasimha, Adv.  
Mr. Ananga Bhattacharya, Adv.  
Mr. Sridhar P., Adv.

For Respondent (s) Mr. U.U. Lalit, Adv.  
Mr. Satyajit Saha, Adv.  
Mr. Subhash Ch. Biswas, Adv.  
Ms. V.D. Khanna, Adv.

UPON hearing counsel the Court made the following  
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Mr. Mukul Rohtagi, learned Additional Solicitor General argued the matter for 10 minutes. Thereafter, Mr. U.U. Lalit, learned counsel for the respondent also made his submissions for 10 minutes.

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

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Sarita (Shelly Sengupta)@@  
AA  
Court Master@@  
AA

(Signed order is placed on the file)

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IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5098 OF 1998@@

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The Union of India is before us in this appeal assailing the judgment and order passed by the Division Bench of the High Court. The respondents herein claimed that they were engaged as casual labourers on various dates during the period between 1989 to 1990 and since then they had been working regularly till October, 1993; they were suddenly informed that their services were no more required. That made them to approach the Central Administrative Tribunal seeking regularisation of their services. The Tribunal appointed an Enquiry Officer to investigate and make a report as to whether the respondents were working as casual labourers with the appellants as claimed by them. The Enquiry Officer, after detailed enquiry submitted a report that the respondent Nos. 1 to 5 were never engaged by the appellants in any capacity to work with them; the respondent No.6 was however engaged by a contractor who ..2/-

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had worked for 157 days. The Tribunal, though unusually having appointed an Enquiry Officer and having got a detailed report, did not consider it in proper prospective and disposed of the application filed by the respondents granting them relief, finding fault with the appellants that the records were not produced by them.

Aggrieved by the order of the Tribunal, the appellants filed the Writ Petition before the High Court. Unfortunately, the High Court did not go into the merits of the various contentions raised in the Writ Petition. The High Court dismissed the Writ Petition taking a view that the Tribunal was right in passing the order following the decision of this Court in Air India@@

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Statutory Corporation vs. United Labour Union [AIR 1997@@  
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SC 645]. The said judgment no more holds the field in view of the subsequent Constitution Bench Decision of this Court in Steel Authority of India Ltd. & Ors. vs.@@

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National Union Waterfront Workers & Ors. [(2001) 7 SCC@@  
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Having heard Mr. Mukul Rohtagi, learned Additional Solicitor General for the appellants and Mr. U.U. Lalit, learned counsel for the respondents, we think that the High Court was not right in disposing of ..3/-

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the Writ Petition without examining the various contentions that demanded a detailed scrutiny in the light of the facts and the legal position. We are of the considered view that the matter requires a detailed examination by the High Court having regard to the facts and circumstances of the case. In that view, we set aside the impugned order, remit the Writ Petition to the High Court for detailed consideration on merits of the contentions raised in the Writ Petition. We leave all the contentions of the parties open to be urged before the High Court. We may only add that while deciding the Writ Petition the High Court may also keep in view the judgment of this Court in Steel Authority of India Ltd.@@

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(supra), if need be. The appeal is allowed. No costs.

Having regard to the pendency of the case for quite some time, we expect and request the High Court to dispose of the Writ Petition expeditiously, if possible, within six months from the date of receipt of the copy of this Order.

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.....J.  
(SHIVARAJ V. PATIL)

New Delhi,  
March 27, 2003.

.....J.  
(ARIJIT PASAYAT)