

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

Civil Appeal No(s). 2637/2011

NATIONAL ORGANIC CHEMICAL INDUSTRIES LTD., AKOLA. Appellant(s)

VERSUS

CHANDRASHEKHAR CHINTAMAN VAIDYA Respondent(s)

O R D E R

The services of the respondent, who was appointed as a Supervisor by the appellant, was terminated in the year 2003, which led to proceedings before the Labour Court. The Labour Court held that the respondent was not a workman.

A revision application was filed by the respondent - employee before the Industrial Court, Maharashtra, which was dismissed. The Single Judge dismissed the writ petition filed by the respondent.

Against the order of the Single Judge, a Letters Patent Appeal was filed by the respondent. The Division Bench of the High Court, by the impugned judgment, has allowed the Letters Patent Appeal filed by the respondent on the basis that the appreciation of evidence done by the Labour Court was primarily based on the designation of the respondent. It is further found that the Labour Court was influenced by the

documents, where the respondent was described as Supervisor and has signed the documents as Head of the Department. On the said basis, the High Court found that the respondent was a workman and the matter was remanded to the Labour Court for disposal of the remaining issues.

It is against the order of the Division Bench, this appeal has been filed.

We have heard Mr. J.P. Cama, learned senior counsel assisted by Mr. Arun Pedneker, learned counsel appearing for the appellant and Mr. Siddhesh Kotwal, learned counsel appearing for the respondent.

Considering the circumstances projected in this case and taking into account the passage of time as well, we are of the view that interest of justice would require that the impugned judgment be set aside. We do bear in mind the limits of the jurisdiction of the High Court in a challenge to an award of the Labour Court in the exercise of jurisdiction in issuing a writ of certiorari.

We, accordingly, set aside the impugned order passed by the Division Bench of the High Court subject to the condition that the appellant will pay a sum of Rs.4 lacs to the respondent within a period of six weeks from today. The said direction is to be complied with by the appellant by depositing the said amount in the Labour Court in question.

We further direct that since we have set aside the impugned judgment, further proceedings pursuant to the impugned order will come to an end and no effect need be given to any adjudication which had been effected pursuant to the order of remand.

The civil appeal is allowed. No order as to costs.

.....J.  
[K.M. JOSEPH]

.....J.  
[S. RAVINDRA BHAT]

NEW DELHI;  
JULY 14, 2021.

ITEM NO.101

Court 12 (Video Conferencing)

SECTION IX

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

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VERSUS

CHANDRASHEKHAR CHINTAMAN VAIDYA Respondent(s)

Date : 14-07-2021 This appeal was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE K.M. JOSEPH  
HON'BLE MR. JUSTICE S. RAVINDRA BHAT

For Appellant(s) Mr. J.P. Cama, Sr. Adv.  
Mr. Arun Pednekar, Adv.  
Mr. V. N. Raghupathy, AOR

For Respondent(s) Mr. Siddhesh Kotwal, Adv.  
Ms. Bansuri Swaraj, Adv.  
Ms. Ana Upadhyay, Adv.  
Ms. Manya Hasija, Adv.  
Mr. Sahil Chandra, Adv.  
Mr. Nirnimesh Dube, AOR

UPON hearing the counsel the Court made the following

O R D E R

The civil appeal is allowed in terms of the signed order.

Pending application, if any, stands disposed of.

(MEENAKSHI KOHLI)  
ASTT. REGISTRAR-cum-PS

(RENU KAPOOR)  
BRANCH OFFICER

[Signed order is placed on the file]