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C.A.No. 6412 OF 2000

ITEM No.31

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

Civil Appeal.No.6412/2000

STATE OF GUJARAT & ANR.

Appellant (s)

VERSUS

AJIT SINGH JETHUBHA & ANR.

Respondent (s)

( Prayer for interim relief and office report )

Date : 26/03/2001 This Petition was called on for hearing today.

CORAM :

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

For Appellant (s) Mr. Ramesh P. Bhatt, Sr. Adv.  
Ms. Sumita Hazarika, Adv.  
Ms. Hemantika Wahi, Adv.

For Respondent (s) Mr. Ranjit Kumar, Sr. Adv.  
Ms. S.H. Raichuria, Adv.  
Mr. H.A. Raichura, Adv.

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

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

.SP2

The appeal is dismissed. No costs.

.SP1

Kalyani. (S.L. GOYAL) @@  
AA  
COURT MASTER@@  
A AAA

(Signed Order is placed on the file.)

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6412 OF 2000@@  
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State of Gujarat & Anr. . . . . Appellants

Versus

Ajit Singh Jethubha & Anr. . . . . Respondents

O R D E R@@  
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.SP2

It is contended by learned counsel for the appellants that the respondents were engaged only on projects which were funded by the World Bank and once the projects come to an end, the question of their being continued in service does not arise.

This contention has not been squarely raised either before the Tribunal in another proceedings or in the proceedings before the High Court at any stage. In the absence of this contention, we are unable to accept the submission of the learned counsel for the appellants. The Single Judge as well as the Division Bench had proceeded on the basis that the respondents were employees of the Forest Department. On an earlier occasion, when the employees of the Forest Department had gone to the Labour Court and succeeded in getting an award in their favour, the same was upheld by the High Court and also by this Court.

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In view of the aforesaid, we must proceed on the basis that the respondents were the employees of the Forest Department and not working on any project, there being no evidence to this effect, and, therefore, the order of the High Court calls for no interference. The appeal itself is dismissed. No costs.

.SP1

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

.....J  
(RUMA PAL)

March 26, 2001.