

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.4270/1999

Incharge Govt. Hide Flaying Centre .. Appellant (s)  
& Anr.

Vs.

Rama Ram & Anr. .. Respondent(s)  
(With appln(s) for stay and office report)  
With C.A. No.4271-4273/1999 (With office report)

DATE : 9.11.2000 : This/These matter (s) was/were  
called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU  
HON'BLE MR. JUSTICE S.N. VARIAVA

For Appellant (s) : Mr. Mahabir Singh, Adv.  
Mr. S. R. Sharma, Adv.

For Respondent (s) :

UPON hearing counsel the Court made the following

O R D E R

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The appeal is dismissed in terms of the signed  
order.

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(Meenu Sethi)  
Court Master

(Meena Trikha)  
Court Master

Signed order is placed on the file

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.4270/1999@@  
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Incharge Govt. Hide Flaying Centre and Anr. .. Appellants

Vs.

Rama Ram & Anr.

.. Respondents

WITH

C.A. No. 4271-4273/1999

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The appellants are calling in question the award made by the Labour Court-cum-Industrial Tribunal, Hissar by which the termination of services of certain employees was held to be bad and they were directed to be reinstated with back wages and continuity of service and all other consequential benefits arising therein. The award was challenged in a Writ petition before the High Court but the same was summarily dismissed. Two contentions were put forth before the Court, one relating to the question that the appellant is not an industry and that the concerned employees are not workmen for the purposes of Industrial Disputes Act and that the termination of all the employees in question is justified or not.

On the question of applicability of Industrial Disputes Act, no arguments were addressed before the tribunal but on the other hand the issue was not pressed. It was admitted before the tribunal that the appellant is carrying on

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a systematic activity and employees are working for wages. Hence the first contention need not be gone into.

So far as the other question is concerned, each of the employees have worked for more than 240 days and their services were sought to be put to an end to without following the due procedure under Section 25(F) of the Industrial Disputes Act. This finding of fact cannot be seriously assailed. However, it may be pointed out that in the evidence adduced before the tribunal, the claimants before the tribunal established that they were seniors to those who have been continued in service and were described to be regular employees and that position is neither challenged nor rebutted. Thus the principle of 'Last come First Go' was given a go by. In these circumstances we think that the order of the tribunal, as affirmed by the High Court, is just and proper and we do not think it appropriate to interfere with the same. The appeal thus stands dismissed.

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( S. RAJENDRA BABU )@@  
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( S.N. VARIAVA )@@  
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New Delhi,@@  
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November 9, 2000.