

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

I.A. 3/2014 in Civil Appeal No(s). 2922/2011

BIRLA NGK PVT.LTD.

Appellant(s)

VERSUS

STATE OF GUJARAT & ORS.

Respondent(s)

(for withdrawal of civil appeal)
WITH I.A.No.2 IN
C.A. No. 2923/2011
(With appln.(s) for withdrawal of civil appeal)

Date : 05/01/2015 These applications were called on for hearing
today.

CORAM :

HON'BLE MR. JUSTICE V. GOPALA GOWDA
[IN CHAMBER]

For Appellant(s)

Ms. Srikala Gurukrishna Kumar,Adv.
Mr. A.Prasanna Venkat,Adv.

For Respondent(s)

Ms. Hemantika Wahi,Adv.
Ms. Preeti Bhardwaj,Adv.

Ms. Divya Jyoti Jaipuria,Adv.
Ms. Jyoti Mendiratta,Adv.

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

Heard learned counsel for the appellant.

The applications for withdrawal of the appeals are listed on the ground that the matter is settled. It is stated in the applications that the order impugned in these appeals is in relation to rejection of the application under Sec. 33(2)(b) of the Industrial Disputes Act, 1947 for granting approval for dismissal of the workmen concerned which order of rejection passed by the Labour Court is affirmed by the High Court in the Writ Petition

filed by the appellant. That order is under challenge in these appeals on various grounds. The appellant management filed these applications seeking withdrawal of the Civil Appeals on the ground that the matter has been settled as the workmen have been reinstated and the memo of compromise is signed by the parties. The signed settlement is contrary to law laid down by the Constitution Bench of this Court in the case of "Jaipur Zila Sahkari Bhumi Vikas Bank Limited vs. Ram Gopal Sharma" reported in 2002 (2) SCC 244 in so far as not paying the salary/wages from the date of dismissal till the date of reinstatement and for the reason that rejection of the approval application of the appellants amounts to continue to be in service as if the order of discharge or dismissal was never passed. The same cannot be accepted. Therefore, the settlement in so far as not paying the salary/wages from the date of dismissal till the date of reinstatement of the concerned workmen is rejected. Hence, the applications for withdrawal of the appeals are rejected.

(SUMAN WADHWA)
AR-cum-PS

(Renu Diwan)
Court Master