

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(s). 4958 OF 2008

CHANDAN SINGH

Appellant (s)

VERSUS

M.D.,U.P.STATE HANDLOOM CORPN.LTD.& ORS.

Respondent(s)

(With office report)

WITH

Civil Appeal NO. 4959 of 2008

(With office report)

Date: 01/09/2011 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU

HON'BLE MR. JUSTICE CHANDRAMAULI KR. PRASAD

For Appellant(s)

Mr. Ajay Kumar Misra, Sr. Adv.
Mr. Anuradha Dubey Mishra, Adv.
Ms. Tulika Mukherjee, Adv.
Mr. P. Narasimhan, Adv.

For Respondent(s)

Mr. Ramesh Chandra Mishra, Adv.

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

The Appeals are disposed of in terms of the signed order.

(Rajesh Dham)
Court Master

(Indu Satija)
Court Master

(signed order is placed on the file)
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(s). 4958 OF 2008

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M.D.,U.P.STATE HANDLOOM CORPN.LTD. & ORS.

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Civil Appeal NO. 4959 of 2008

O R D E R

Heard learned counsel for the appearing parties.

These Appeals have been filed against the impugned judgments dated 10.04.2006 passed by the High Court of Judicature at Allahabad in Special Appeal No. 301 of 2004 and Special Appeal No. 300 of 2004.

The facts have been stated in the impugned judgments and hence we are not repeating the same here.

The High Court has held that it was only the Board of Directors which could have decided the appellants' appeals and not the Chairman alone. We agree with this view.

By its order dated 03.05.2001 the State Government had deprived the Chairman of the Government controlled

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C.A. 4958/2008 & C.A. 4959/2008

companies of the appellate power which had earlier been delegated to him by the Board of Directors. The Board of Directors of the respondent company, by its resolution dated 23.07.2001, adopted the aforesaid Government order. Consequently, the delegation of power to the Chairman stood annulled. We see no reason to interfere with the impugned judgments.

However, we direct that the Board of Directors should treat the appeals preferred by the appellants before the Chairman as appeals to the Board of Directors and the Board of Directors shall decide the same expeditiously, preferably within four months from the production/receipt of a copy of this order, after hearing the parties concerned.

The Appeals are disposed of accordingly. No costs.

.....J.
(MARKANDEY KATJU)

NEW DELHI;
SEPTEMBER 01, 2011

.....J.
(CHANDRAMAULI KR. PRASAD

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