

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).20827/2011

(From the judgement and order dated 17/03/2011 in 19559/2003 of the HIGH COURT OF JUDICATURE AT ALLAHABAD)

WC No.

U.P.COOP BANK LTD.& ANR

Petitioner(s)

VERSUS

PREM SHANKAR VAJPAYEE

Respondent(s)

(With appln(s) for exemption from filing O.T. and prayer for interim relief)

Date: 16/08/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AFTAB ALAM
HON'BLE MR. JUSTICE R.M. LODHA

For Petitioner(s)

Mr. Rakesh Dwivedi, Sr. Adv.
Mr. Pradeep Misra, Adv.

For Respondent(s)

Mr. S.R. Singh, Sr. Adv.
Mr. R.K. Srivastava, Adv.
Ms. Sunita Pandit, Adv.
Mr. Avnish Singh yadav, Adv.
Mr. Arun Kumar Beriwal, Adv.

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

Mr. Rakesh Dwivedi, senior counsel appearing for the petitioners, submits that Section 135 of the U.P. Cooperative Societies Act, 1965 expressly excludes the application of the Industrial Disputes Act, 1947 and the U.P. Industrial Disputes Act, 1947 to the cooperative societies set up under the U.P. Cooperative Societies Act, 1965. Further, Section 70 provides the mode of resolution of dispute between an employee and the Management of the society.

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He submits that the reference itself was incompetent and the award made by the Labour Court was, therefore, non est and unenforceable. In support of the submission, he relies upon the decision of this Court in Ghaziabad Zila Sahkari Bank Ltd. v. Addl. Labour Commissioner, (2007) 11 SCC 756.

Issue notice.

Mr. S.R. Singh, senior counsel appearing on caveat for the respondent, accepts notice. Counter affidavit, if any, be filed within six weeks.

Till further orders, the operation of the impugned

order of the High Court and the award made by the Labour Court shall remain stayed.

(N.S.K. Kamesh)  
Court Master

(S.S.R. Krishna)  
Court Master