

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. 4588/1999

Deep Chandra .. Appellant (s)

Vs.

State of UP & Anr. .. Respondent(s)

DATE : 14.11.2000 : 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. Vidya Dhar Gaur, Adv.

For Respondent (s) : Mr. Anoop G. Chaudhari, Sr. adv.  
Mr. R.B. Misra, Adv.

UPON hearing counsel the Court made the following

O R D E R

.....L.....I.....J  
.SP2

Appeal is allowed in terms of the signed order.

.SP1

(Meenu Sethi)  
Court Master

(Meena Trikha)  
Court Master

Signed order is placed on the file

.PA  
.....L.....I.....J

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4588 OF 1999@@  
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Deep Chandra .. Appellant

Vs.

State of U.P. and Anr. .. Respondents

.SP2

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

This appeal is directed against an order made by the High Court quashing the award made by the Labour Court. A dispute was raised by the appellant on the ground that though he had put in more than 240 days in each year of service from the year 1982 to 1988, he had been retrenched without following the procedure prescribed under Section 25-F of the Industrial Disputes Act. The tribunal, therefore, on adjudication came to the conclusion that termination of services of the appellant is bad and in particular noticed that persons who had been employed subsequent to the appellant have been continuing in service, whereas the services of the appellant had been put to an end to. In the circumstances the Labour Court made an award granting the reinstatement with back wages and other consequential benefits that may flow from it. A Writ petition was filed against the order before the High Court.

The High Court approached the matter rather strangely as it went at a tangent to consider not only

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whether the casual worker's services can be put to an end to but if the award made by the Labour Court would make him permanent employee, so on and so forth. The High Court lost sight of the point in issue that is, when an employee had put in service for more than 240 days in each year for several years whether his services can be put to an end to without following the procedure prescribed under Section 25-F of the Industrial Disputes Act. If there has been violation thereof such an employee will have to be reinstated in his original service on the same terms and conditions in which he was working earlier. If this is the position in law, we fail to understand as to how the High Court could have interfered with the award made by the Labour Court. We set aside the order made by the High Court and restore the award made by the Labour Court. The appeal is allowed accordingly.

.SP1

.....J  
(S. RAJENDRA BABU)

.....J  
(S.N. VARIAVA)

New Delhi,  
November 14, 2000.