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SLP(C)No. 20370 OF 2004
ITEM NO.41

COURT NO.1

SECTION XV

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).20370/2004
(From the judgement and order dated 31/08/2004 in LPA No. 175/2003 of
HIGH COURT OF BOMBAY)

CUMMINS(I) LTD.

Petitioner(s)

VERSUS

INDUSTRIAL CLEANING SERVICES & ORS.

Respondent(s)

(With appln(s) for exemption from filing c/c of the impugned judgment and with prayer for interim relief and office report)

Date: 11/10/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE G.P. MATHUR
HON'BLE Mr. JUSTICE P.P. NAOLEKAR

For Petitioner(s)Mr. Dushyant A Dave, Sr. Adv.
Mr. Haresh Mehta, Adv.
Mr. Prabhajit Jauhar, Adv.
Mr. S.S. Jauhar,Adv.

For Respondent(s)MR. Uday U Lalit, Sr. Adv.
Mr. Ravindra Keshavrao Adsure,Adv.
Mr. Gautam Gahdra, Adv.

Mr. Makarand D Adkar, Adv.
Mr. S D Singh, Adv.
Mr. Vijay Kumar, Adv.
Mr. Vishwajit Singh ,Adv.

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

Issue notice.

Mr. Vishwajit Singh, learned counsel for respondent No. 1-Industrial Cleaning Services and Mr. Ravindra Keshavrao Adsure, learned counsel for respondents Nos. 2 to 77/workmen, are present on caveat and take notice.

Leave granted.

Heard finally.

The appeal stands disposed of in terms of the signed order.

(D.P. WALIA) (RADHA R. BHATIA)
COURT MASTER COURT MASTER

(Signed Order is placed on the file)
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2004
[arising out of SLP(C) No. 20370 of 2004]

Cummins (I) Ltd.... Appellant

vs.

Industrial Cleaning Services & ors.... Respondents

O R D E R

Issue notice.

Mr. Vishwajit Singh, learned counsel for respondent No. 1-Industrial Cleaning Services and Mr. Ravindra Keshavrao Adsure, learned counsel for respondents Nos. 2 to 77/workmen, are present on caveat and take notice.

Leave granted.

Heard finally.

In the facts and circumstances of this case, we are satisfied to hold that the Division Bench ought not to have interfered with the interim order passed by the learned Single Judge. It is conceded at the Bar that the writ petition pending before the learned Single Judge raises a very small issue and may not take a long time in hearing. It is submitted that mainly the document entitled 'Memorandum of Understanding' dated 21.2.1997 and the earlier orders passed by the Court are required to be interpreted.

The impugned order passed by the Division Bench is set aside. The parties are allowed the liberty of making an application seeking an early hearing of the writ petition. We also request the learned Single Judge to take up the matter for expeditious hearing in view of the question of payment of gratuity to the workmen arising for decision, preferably within a period of four months consistently with the calendar of the High Court.

We also make it clear that so far as the order dated 27th November, 2003 passed by the learned Single Judge is concerned, the Trust shall deposit in the Court only such amount as is available with it. This is only by way of interim arrangement without prejudice to the contentions of either party which are yet to be heard and decided by the learned Single Judge. The time for compliance with the order of the learned Single Judge shall be four weeks from today. The appeal stands disposed of in the terms above-said.

.....CJI (R.C. LAHOTI)

.....J
(G.P. MATHUR)

.....J
(P.P. NAOLEKAR)

New Delhi;
October 11, 2004.