

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. 733/1997

U O I .. Appellant (s)

Vs.

The Presiding Officer C.I.T. .. Respondent(s)  
and Ors.

( with appln. for stay )

DATE : 30.11.2000 : This/These matter (s) was/were  
called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU  
HON'BLE MR. JUSTICE K.G. BALAKRISHNAN

For Appellant (s) : Mr. Ajay Sharma, Adv.  
M/s B. Sunita Rao, Anil Katiyar,  
Adv.

For Respondent (s) : Mr. Shiv Sagar Tiwari, Adv.

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

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

The appeal is dismissed in terms of the signed order.

.SP1  
Charanjit [ Meena Trikha ]  
Court Master

[ Signed order is placed on the file ]

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 733/1997@@  
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U O I .. Appellant

Vs.

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And Ors.

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In this appeal the appellant make a grievance of the proceedings initiated under the Industrial Disputes Act (hereinafter referred to as the 'Act') on the ground that the contesting respondents were employed in Ordnance Factory and therefore would not constitute an industry for the purpose of the Act.

The factual background in which this matter arises is that the services of Chandra Bhan and Ram Sumiran were terminated by two orders made on 12.5.1986 and 25.11.1985. Aggrieved by this action of the appellant the respondents raised an industrial dispute and a Reference was made to the Industrial Tribunal. The Industrial Tribunal by an award made on 2.8.1994 set aside the termination of the services of the said persons on the basis that they had been illegally retrenched without following the due procedure as provided by Section 25-F of the Act and directed reinstatement with full back wages. The matter was carried by way of a writ petition before the High Court of Madhya Pradesh and a contention was raised that the

- 2 -

appellant was not covered by the Act. The High Court dismissed the said writ petition and a further appeal filed thereafter.

The contention putforth now before us is that the Ordnance Factory can under no circumstance be described to be an industry and is not covered by the Act, though as the Tribunal and the High Court held it may be that even if the appellant is covered by the provisions of the Rules framed under Article 309 of the Constitution, the appellant may still be governed by the Act. It was only this latter aspect that has been gone into by the High Court and not the former aspect. The question in the form it is sought to be putforth now has not been raised either before Industrial Tribunal or before the High Court. We do not propose to go into it in these proceedings. That question is left open.

However, considering the fact that the Industrial Tribunal as well as the High Court, after examining the facts arising in the case have come to the correct conclusion, no interference is called for at our hands. This appeal is

therefore, dismissed.

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[ S. RAJENDRA BABU ]@@  
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.....J@@  
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[ K.G. BALAKRISHNAN ]@@  
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New Delhi,@@  
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November 30, 2000@@  
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