

ITEM NO.122

COURT NO.7

SECTION XV

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). 4054 OF 2007

M/S. SHARON ENTERPRISES

Appellant (s)

VERSUS

EMPLOYEES STATE INSURANCE CORPORATION

Respondent(s)

Date: 29/04/2010 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU
HON'BLE MR. JUSTICE A.K. PATNAIK

For Appellant(s) Mr.Naveen R.Nath, Adv.for
Ms. Anitha Shenoy,Adv.

For Respondent(s) Mr. V.J. Francis,Adv.
Mr. Anupam Mishra, Adv.

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

The Appeal is allowed in terms of the signed order.
No costs.

(Neetu Khajuria)
Sr.P.A.

(Indu Satija)
Court Master

[signed order is placed on the file]
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.4054 OF 2007

M/s. Sharon Enterprises

..Appellant

versus

Employees State Insurance Corporation

..Respondent

O R D E R

Heard learned counsel for the parties.

This Appeal has been filed against the impugned
order of the High Court of Karnataka dated 02nd September,
2005.

The point involved in this case is squarely covered

by a decision of this Court in the case of Fertilizers &
Chemicals Travancore Ltd. Vs. Regional Director, ESIC &
Others reported in (2009) 9 SCC 485.

Hence, we allow this appeal, set aside the impugned
order of the High Court as well as of ESI Court and remand
the matter to the ESI Court for deciding it afresh in
accordance with law after impleading some of the workmen,
if not all of them, or their trade union in a
representative capacity. No costs.

.....J.
[MARKANDEY KATJU]

NEW DELHI;J.
APRIL 29, 2010 [A.K. PATNAIK]