

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).24676/2007

(From the judgement and order dated 19/07/2007 in WA No. 1748/2001 of
The HIGH COURT OF MADRAS)

WORKSHOP ENGINEER,WATER SUP.& DRAING.BD.

Petitioner(s)

VERSUS

C.R.ACHUTHAN

Respondent(s)

(With prayer for interim relief and office report)

Date: 07/01/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU
HON'BLE MR. JUSTICE V.S. SIRPURKAR

For Petitioner(s) Mr. S.Thananjayan, Adv.for
Mr. T. Harish Kumar,Adv.

For Respondent(s) Mr. S.Guru Krishna Kumar, Adv.
Mr. S.R. Setia,Adv.

UPON hearing counsel the Court made the following
ORDER

Leave granted.

The Appeal is accepted in terms of the signed order.

(Parveen Kr. Chawla)
Court Master

(Indu Satija)
Court Master

[Signed Order is placed on the File]
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.39 OF 2009
(Arising out of S.L.P.(Civil) No.24676 of 2007)

Workshop Engineer, Water Supply
and Drainage Board

..Appellant

vs.

C.R.Achuthan

..Respondent

ORDER

Leave granted.

Heard learned counsel for the parties.

This Appeal has been filed against the impugned judgment of the Division Bench of the Madras High Court dated 19th July, 2007, by which the judgment of the learned Single Judge dated 05.01.2000 made in W.P. No.7755 of 1992 was reversed and reinstatement of the workman was directed in accordance with the award of the labour court.

Since, the facts of the case are mentioned in the judgments of the learned Single Judge and Division Bench, it is not necessary to repeat the same.

The learned Single Judge has set aside the award of the labour Court and remanded the matter to the labour Court for fresh disposal in accordance with law after affording an

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opportunity to the parties to lead documentary as well as oral evidence.

Under the circumstances, we are of the opinion that the Division Bench should not have interfered with the judgment of the learned Single Judge. Accordingly, we accept this appeal, set aside the impugned judgment of the Division Bench and restore that of the learned Single Judge.

We direct the labour Court to decide the matter afresh in accordance with law, after affording an opportunity to the parties to lead documentary as well as oral evidence, within four months' from the date of receipt/production of a copy of this order. Meanwhile, the appellant shall pay wages to the respondent-workman in accordance with Section 17B of the Industrial Disputes Act, 1947 from the date of the judgment of the Division Bench till disposal of the case by the Labour Court. Parties agree with this arrangement.

All contentions are left open to the parties.

.....J.
[MARKANDEY KATJU]

NEW DELHI;J.
JANUARY 07, 2009. [V.S.SIRPURKAR]