

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 7222 OF 2009

ALL INDIA INST.OF MEDICAL SCIENCES

Appellant(s)

VERSUS

RAJ SINGH

Respondent(s)

O R D E R

1) This appeal is directed against an order dated 25.08.2008 passed by the Division Bench of the High Court, whereby the Division Bench dismissed the appeal filed by the appellant-All India Institute of Medical Sciences (hereinafter referred to as 'the AIIMS').

2) The facts of the case, in brief, are as follows:-

i) The respondent-Raj Singh, who was working as a driver in the AIIMS on daily wages since 01.08.1984 continued to work as such till 13.08.1987 and, thereafter, his services were terminated.

ii) Aggrieved by the termination of his service, Raj Singh approached the Industrial Tribunal raising an industrial dispute in the matter in question.

iii) The matter was referred to the Labour Court and an Award was published by the Court on 04.12.1988 declaring the issues in favour of Raj Singh, the workman, in the matter in question and against the appellant. By the said Award, Raj Singh was directed to be reinstated in service without backwages.

iv) Being aggrieved, the appellant preferred a Writ Petition before the High Court.

v) The High Court, after going through the facts of this case, and relying on the decision of the Constitution Bench of this Court in Bangalore Water Supply & Sewage Board vs. A. Rajappa and Others, (1978) 2 SCC 213 to the effect that hospitals, research institutes and training centres render valuable material services to the community qualifying for coming within the purview of Section 2(j) of the Industrial Disputes Act, 1947 affirmed the Award. Incidentally, that the view in Bangalore Water Supply & Sewage Board (supra) was followed by this Court in certain other decisions viz., Dr. V.P.Chaturvedi & Ors. vs. Union of India & Ors., (1991) 4 SCC 171 as well as in V.L. Chandra & Ors. vs. AIIMS and Others, (1990) 3 SCC 381 was also noted.

vi) In view of the said authorities, the High Court held that there is no reason to hold that the AIIMS did not come within the purview of Section 2(j) of the Industrial Disputes Act and passed the order in favour of Raj Singh.

vii) Being aggrieved by the said order, this appeal has been filed by the AIIMS.

3) We have heard learned counsel appearing for both the parties.

4) However, after going through the facts of the case and after taking into consideration the Constitution Bench judgment of this Court, we do not find that it is necessary for us to go into the details further in the matter as the issue has presently been settled by this Court in the said decision.

5) Accordingly, we do not find any reason to interfere with the impugned order passed by the High Court.

6) We find no merit in the appeal.

7) Hence, the appeal is dismissed, however, with no order as to costs.

.....J  
(PINAKI CHANDRA GHOSE)

.....J  
(AMITAVA ROY)

NEW DELHI;  
June 03, 2016.

ITEM NO.108

COURT NO.3

SECTION XV

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 7222/2009

ALL INDIA INST.OF MEDICAL SCIENCES

Appellant(s)

VERSUS

RAJ SINGH

Respondent(s)

(with interim relief and office report)

Date : 03/06/2016 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE PINAKI CHANDRA GHOSE  
HON'BLE MR. JUSTICE AMITAVA ROY  
(VACATION BENCH)

For Appellant(s) Mr. Shekhar Kumar, AOR

For Respondent(s) Mr. Praveen Swarup, AOR

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

The appeal is dismissed, however, with no order as to costs in  
terms of the signed order.

(R.NATARAJAN)  
Court Master

(SNEH LATA SHARMA)  
Court Master

(Signed order is placed on the file)