

SUPREME COURT OF INDIA

Asha Ram

Vs.

Divisional Engineer, Telecom Deptt.

(S. R. Babu and S. V. Patil JJ.)

20.07.2000

ORDER

1. In a reference made to the Tribunal a finding was recorded that the Telecom Department is not an industry and on that basis, reference was held to be incompetent and remained unanswered. That award has been challenged in this appeal.
2. This Court in *General Manager, Telecom v. A. Srinivas Rao and Ors.* held that the said department is an industry. In that view of the matter the award made by the Industrial Tribunal-cum-Labour Court is set aside and the matter is remanded to the Industrial Tribunal-cum-Labour Court for fresh consideration in accordance with law after due notices to all the parties.
3. Shri Rajiv Nanda, learned Counsel contends that in view of the earlier decisions of this Court, we should not upset the award made by the Tribunal. But we must make it clear that the question as to whether the respondent is an industry or not, being a live issue in pending matters, which point needed to be considered by the courts or the Tribunal at one stage or the other. The fact being so, we do not think we can accede to the contention advanced on behalf of the respondent. In the circumstances, the appeal is allowed as aforesaid.