

SUPREME COURT OF INDIA

Orissa Concrete and Allied Inds. Ltd.

Vs.

State of Chhatisgarh

C.A.No.2436 of 2000

(K. G. Balakrishnan and P. Venkatarama Reddi JJ.)

02.04.2003

ORDER

1. Labour Commissioner, Indore, Madhya Pradesh passed an order on 11-7-1995 holding that there was a deemed permission for retrenchment of 40 workers employed by the appellant under S. 25-N(4) of the *Industrial Disputes Act, 1947* (for short, 'the Act'). This order was challenged by the workers in Writ Petition No. 2329 of 1995 before the High Court of Madhya Pradesh. The learned single Judge of the High Court held that in view of the facts and circumstances of the case, there should not have been any deemed permission under S. 26-N(4) of the Act. The decision was confirmed by the Division Bench of the High Court and it directed the Labour Commissioner to pass a revised order after considering whether any permission is to be granted to the appellant for retrenching the 40 workers employed by them. During the pendency of the appeal, the Labour Commissioner passed a revised order on 7-8-2002 declining the permission under S. 25-N of the Act.

2. The learned counsel for the appellant submits that some of the workers had been given reliefs as per the provisions of the Act and there has been some change in factual situation. The learned counsel seeks permission to withdraw the appeal with liberty to challenge the order passed by the Labour Commissioner on 7-8-2002.

3. In view of the subsequent developments, the appellant is allowed to withdraw this appeal with permission to challenge the orders passed by Labour Commissioner on 7-8-2002 in appropriate proceedings. However, we make it clear that it is not open to the appellant to re-agitate the question as to whether there should have been a deemed permission under S. 25-N(4) of the Act or not. No orders in I.A. No. 2. The appeal is dismissed as withdrawn and I.A. is disposed of.

Order accordingly.