

SUPREME COURT OF INDIA

Messrs U.P. Avas Evam Vikas Parishad

Vs.

R.K. Tyagi

C.A.No.2690 of 2003

(Mrs. Ruma Pal and S. B. Sinha JJ.)

07.01.2004

ORDER

1. Leave granted.

2. The Labour Court had rejected the reference raised, at the instance of the respondent, by holding, after an appreciation of the evidence on record, that the respondent was not a "workman" within the meaning of Sec. 2(Z)(iv) of the U.P. Industrial Disputes Act. The respondent's writ petition was however allowed by the High Court without any discussion of the evidence whatsoever or without reaching a decision that the conclusion of the Labour Court could not rationally follow from the evidence on record. The impugned decision of the High Court is, accordingly, set aside and the matter is remanded back to the High Court for decision afresh. It will be open also to the appellant to raise the question as to whether the writ petition should at all have been entertained under Article 226 of the Constitution.

The appeal is allowed,