

**SUPREME COURT OF INDIA**

Cummins(I) Limited

Vs.

Industrial Cleaning Services

S.L.P. (C) No. 20370 of 2004

(P. P. Naolekar, R. C. Lahoti CJI. and G. P. Mathur JJ.)

11.10.2004

**ORDER**

Issue notice. Mr. Vishwajit Singh, learned counsel for respondent No. 1-Industrial Cleaning Services and Mr. Ravindra Keshavrao Adsure, learned counsel for respondents Nos. 2 to 77/workmen, are present on caveat and take notice.

1. Leave granted.

2. Heard finally.

3. In the facts and circumstances of this case, we are satisfied to hold that the Division Bench ought not to have interfered with the interim order passed by the learned Single Judge. It is conceded at the Bar that the writ petition pending before the learned Single Judge raises a very small issue and may not take a long time in hearing. It is submitted that mainly the document entitled 'Memorandum of Understanding' dated 21.2.1997 and the earlier orders passed by the Court are required to be interpreted.

4. The impugned order passed by the Division Bench is set aside. The parties are allowed the liberty of making an application seeking an early hearing of the writ petition. We also request the learned Single Judge to take up the matter for expeditious hearing in view of the question of payment of gratuity to the workmen arising for decision, preferably within a period of four months consistently with the calender of the High Court.

5. We also make it clear that so far as the order dated 27th November, 2003 passed by the learned Single Judge is concerned, the Trust shall deposit in the Court only such amount as is available with it. This is only by way of interim arrangement without prejudice to the contentions of either party which are yet to be heard and decided by the learned Single Judge. The time for compliance with the order of the learned Single Judge shall be four weeks from today.

6. The appeal stands disposed of in the terms above-said.