

SUPREME COURT OF INDIA

Principal Secy., Training & Emp. Deptt.

Vs.

Virender Singh Khatri & Ors.

C.A.No.66-71 of 2008

(P.P. Naolekar and Lokeshwar Singh Pant, JJ.)

04.01.2008

ORDER

Arising out of SLP(C)Nos.943-948 of 2005.

1. Leave granted.
2. The learned Single Judge has passed the following order at the interim stage of the pendency of the writ petition:

"...Now, the Kumtron Ltd. is wound up. Therefore, Secretary, Training & Employment is directed to ensure that the petitioners are suitably appointed as per their qualifications and availability of the vacancy according to a seniority list prepared by him of the employees whose services have been terminated on account of winding up of the Kumtron Ltd. First Progress report relating to the appointment of the petitioners and others shall be submitted by the learned Standing Counsel within a month from today..."

3. When the appeal was preferred by the State before the Division Bench of the High Court of Uttaranchal, the Division Bench has taken it only to be an interim order justifiable on the basis of the letter dated 17/4/1998. The letter dated 17/4/1998 has only assured that at the time of the new recruitment, the employees of the Kumtron Ltd. Bageshwar, (U.P.) may be considered for the employment. The letter nowhere assures that the employment shall be given as right to the employees of Kumtron Ltd., Bageshwar, U.P. The tenor of the order passed by the learned Single Judge is to the effect that the respondents are required to give employment to the workmen whose services have been terminated. The matter is yet to be adjudicated in writ petition pending in the High Court of Uttaranchal. That being the case, the Division Bench of the High Court has committed an error in treating the order of the learned Single Judge is of interim nature. The order of the Division Bench and that of the learned Single Judge are set aside. The appellant herein shall submit his reply in the writ

petition and also reply to the stay application and the learned Single Judge shall pass fresh order on the stay application after hearing the parties in accordance with law.

4. The appeals stand disposed of.

No costs.