

SUPREME COURT OF INDIA

Sweet Confectionary

Vs.

S.M.Khot & Ors.

C.A.No.1186 of 2008

(C.K.Thakker and D.K.Jain,JJ.)

08.02.2008

ORDER

(Arising out of SLP(C) NO. 4200/2007)

1. Leave granted.

2. The present appeal arises out of an interim order passed by the High Court. From the record, it is clear that Labour Court passed an award in favour of respondent employees holding that provisions of Section 25-F of the Industrial Disputes Act, 1947 (for short, 'the Act') had not been complied with and granted relief by reinstating the respondents herein with full back wages. The Industrial Court confirmed that order. Being aggrieved by the said orders, the appellant approached the High Court by filing the writ petition. The High Court issued rule nisi, but rejected the application for stay. The Division Bench of the High Court confirmed that order against which the present appeal is filed by way of special leave to appeal. Notice was issued and adinterim stay was granted. Heard learned counsel for the parties. Learned counsel for the appellant submits that an appropriate direction may be issued to the High Court so that the main matter may be disposed of. Meanwhile, ad-interim relief granted by this Court may be continued. Learned counsel for the respondents, on the other hand, strongly objects to the prayer of continuation of relief stating that if the High Court was satisfied and even if this Court is satisfied about the prima facie case by the appellant, an appropriate relief has to be granted to the workmen as provided under Section 17-B of the Act. On the facts and in the circumstances of the case and, particularly, when rule nisi is issued, it would be appropriate, if we request the High Court to dispose of the main matter as expeditiously as possible, preferably within a period of six months. Ordered accordingly. The High Court will, however, hear the parties and pass an appropriate order exercising powers under Section 17-B of the Act.

3. The appeal is disposed of without observing anything on merits. It is open to the parties to raise all contentions.