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SLP(C)No. 15852 OF 2001

ITEM No.31

Court No. 8

SECTION XV

A/N MATTER

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.15852/2001

(From the judgement and order dated 13/08/2001 in CWP 11885/01
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

MUNICIPAL CORPORATION, FARIDABAD

Petitioner (s)

VERSUS

VIJAY PAL & ORS.

Respondent (s)

(With Appln(s). for exemption from filing c/c of the impugned
Judgment and with prayer for interim relief and office report)

With SLP(C)Nos.15976,15927,15920,15938,15942,15943,15945,15928,
15971,15970,15965,15946,15963,15974,15913,15915,15969,15966,
16001,16002,16003,16006,16009,16012,16014,16016,16029,16015 of 2001
- (With Appln(s). for exemption from filing c/c of the impugned
Judgment and with prayer for interim relief)

SLP(C)No.15854/2001 - (With appln.(s) for exemption from filing
c/c of the impugned judgment and permission to place addl.
documents on record and with prayer for interim relief)

SLP(C)No.15936/2001 - (With appln.(s) for impleading party and
exemption from filing c/c of the impugned judgment and permission
to submit addl. documents)

SLP(C)No.15975, 16011 of 2001 - (With appln. for exemption from
filing c/c of the impugned judgment)

SLP(C)No.15972,17098,17102,17105,17106 of 2001

SLP(C)No.17104/2001 - (With appln. for c/delay in filing SLP)

SLP(C)No.16017/2001 - (With prayer for interim relief)

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SLP(C)No.12896/2001 - (With appln.(s) for taking addl. document
on record and with prayer for interim relief and office report)
(For final disposal)

SLP(C)No.13519, 13520 of 2001 - (With appln.(s) for exemption from
filing c/c of the impugned judgment and taking on record addl.
facts and with prayer for interim relief and office report)
(For final disposal)

SLP(C)No.17097/2001, 7668/2002 - (For final disposal)

SLP(C)No.16338/2001 - (With appln.(s) for exemption from filing c/c
of the impugned judgment and with prayer for interim relief and
office report) (For final disposal)

SLP(C)No.16570,22618,16428 of 2001 - (With appln.(s) for exemption
from filing c/c of the impugned judgment and with prayer for interim
relief) (For final disposal)

SLP(C)No.15152/2001 - (With appln.(s) for exemption from filing c/c of the impugned judgment and permission to place addl. documents on record and with prayer for interim relief and office report) (For final disposal)

SLP(C)...CC 2653/2002, SLP(C)...CC 2637/2002 - With I.A.1 (C/delay in filing SLP)(For final disposal)

SLP(C)No.22125/2001 - (With appln.(s) for exemption from filing c/c of the impugned judgment and with prayer for interim relief and office report) (For final disposal)

SLP(C)No.7669/2002,21955/2001 - (With prayer for interim relief and office report) (For final disposal)

SLP(C)No.21957,22011 of 2001 - (With prayer for interim relief) (For final disposal)

Date : 01/09/2003 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SHIVARAJ V. PATIL
HON'BLE MR. JUSTICE D.M. DHARMADHIKARI

..3/-

.3.

For Petitioner (s)Mr. Mukul Rohtagi, ASG
Mr. Mahendra Anand, Sr.Adv.
Mr. Praveen Kumar Rai, Adv.
for Ms. Kavita Wadia, Adv.

For Respondent (s)Mr. R.K. Jain, Sr.Adv.
Ms. Smita Singh, Adv.
for Ms. Abha R. Sharma, Adv.

Mr. Y.D. Nagar, Adv.
Mr. Satpal Singh, Adv.
Mr. Manoj Nagar, Adv.
Mr. Sandeep Nehra, Adv.

Mr. Subhash Sharma, Adv.
Mr. M.R. Vij, Adv.

Mr. Manoj Swarup, Adv.

Ms. K. Sarada Devi, Adv.

Mr. Rajesh Prasad Singh, Adv.

UPON hearing counsel the Court made the following
O R D E R

Heard learned counsel for the parties in these matters.

Delay condoned in SLP...CC 2653/2002 and SLP...CC 2637/2002.

Application for impleadment is dismissed.

These petitions are directed against the interim order passed by the High Court in the pending writ petitions. The controversy relates to retrenchment of 1200 or more employees of the petitioner-Corporation.

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.4.

Learned counsel for the parties on either side made certain submissions touching the merits of the contentions raised in the writ petitions. We do not wish to express one way or the other on the merits of the respective contentions. It is appropriate that the learned counsel for the parties urge all the contentions available to them before the High Court in the writ petitions, which are pending adjudication.

It is brought to our notice that some of the workmen are reinstated by virtue of interim order passed by this Court and some of them are not reinstated for want of interim orders or otherwise. Normally, interim orders are not passed staying an order of dismissal or retrenchment, but, in these cases, may be on account of poverty of the workmen and due to other circumstances, in its discretion

the High Court appears to have passed interim orders in the year 2001. At this stage, we do not think it either just or appropriate to vary the impugned orders having regard to the facts and circumstances of these cases, that too taking note of the fact that 1200 or more workmen are involved in the controversy.

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.5.

Learned counsel for the respondents-workmen submitted that the workmen are very poor persons and in case matters are not adjudicated early, it will result in great hardship to them. The learned Additional Solicitor General appearing on behalf of the petitioner also pleaded that having due regard to the circumstances of the cases, particularly, taking note of the fact that some of the respondents-workmen are reinstated and some of them are not reinstated in the service, it would be appropriate that the writ petitions are disposed of by the High Court on merits within a given time-frame.

In these circumstances, we pass the following order :-

1. Status quo, as existing today, relating to the services of the workmen shall be maintained until disposal of the writ petitions on merits.

2. It is needless to state that the High Court shall dispose of the writ petitions on merits, dealing with the respective contentions that may be urged on behalf of the parties independent of the observations made for the purpose of passing impugned interim orders.

..6/-

.6.

3. Having regard to the facts and circumstances of these cases and that a large number of workmen are before the High Court and also the petitioner-Corporation is facing the difficulty, it would be appropriate and we expect that the High Court shall dispose of the writ petitions on merits as expeditiously as possible, possibly within a period of three months.

The special leave petitions are disposed of accordingly.

Sarita(Shelly Sengupta)
Court Master