

IN THE SUPREME COURT OF INDIA**CIVIL APPELLATE JURISDICTION****CIVIL APPEAL NO(s). 1889 OF 2022****(Arising out of SLP(c) No.925 of 2021)****THE MANAGEMENT OF (1) THE DEPOT
MANAGER, FOOD CORPORATION OF
INDIA AND ANOTHER****... APPELLANT(s)****VERSUS****THEIR WORKMEN REPRESENTED
THROUGH THE GENERAL SECRETARY,
KEONJHAR MINES & FOREST WORKERS
UNION****... RESPONDENT(s)****ORDER**

Leave granted.

We have heard Mr. Mukul Rohatgi, learned senior counsel for the appellant(s) and Ms. Anandita Pujari, learned counsel for the respondent.

The present appeal has been filed against a cryptic/non-speaking order passed by the Division Bench of the High Court dismissing the writ petition filed at the instance of the appellants under Article 226/227 of the Constitution vide order impugned dated 17.12.2019.

54 workers through the respondent-union approached the Labour Court with their grievance regarding termination of their services and a reference was made by the appropriate Government vide notification dated 11.03.2003. The learned Labour Court, in the first instance, examined the inter se rights and answered the reference, by its award dated 20.10.2008 which became the subject matter of challenge at the instance of the present appellants by filing of writ petitions before the High Court under Article 226/227 of the Constitution.

We have gone through the order impugned and unable to justify the way in which the matter has been conducted by the High Court while dismissing the writ petitions, particularly without examining the inter se rights of the parties arising from the pleadings of the petitions pending before the High Court since 2009 and just after reproducing paragraph 9 of the Award without any appreciation as to what are the contentions of the rival parties, the writ petitions filed at the instance of the appellants came to be dismissed which, in our view, being cryptic/non-speaking, is not sustainable in law.

Consequently, the appeal is allowed. The order impugned dated 17.12.2019 is hereby quashed and set aside.

The writ petition filed by the present appellants i.e.

no.3757/2009 is restored on the file of the High Court of Orissa, Cuttack. Since the dispute was initiated at the first instance by the Union in the year 2003, we consider it appropriate to request the High Court to decide the writ petition(s) as expeditiously as possible on merits but in no case later than six months.

Parties may also record their presence before the High Court in the writ petition no.3757/2009 on 04.04.2022.

Pending application(s), if any, shall also stand disposed of.

.....J.
(Ajay Rastogi)

.....J.
(Abhay S. Oka)

New Delhi.
March 07, 2022.

ITEM NO.38 Court 13 (Video Conferencing)

SECTION XI-A

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 (C) No(s). 925/2021

(Arising out of impugned final judgment and order dated 17-12-2019 in WP(C) No. 3757/2009 passed by the High Court Of Orissa At Cuttack)

THE MANAGEMENT OF (1) THE DEPOT MANAGER
 FOOD CORPORATION OF INDIA & ANR.

PETITIONER(S)

VERSUS

THEIR WORKMEN REPRESENTED THROUGH THE GENERAL
 SECRETARY KEONJHAR MINES AND FOREST WORKERS UNION RESPONDENT(S)

(FOR ADMISSION and I.R. and IA No.5459/2021-EXEMPTION FROM FILING
 C/C OF THE I/JUDGMENT)

Date : 07-03-2022 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE AJAY RASTOGI
 HON'BLE MR. JUSTICE ABHAY S. OKA

For Petitioner(s) Mr. Mukul Rohatgi, Sr. Adv.
 Mr. Abhay Kumar, Adv
 Mr. Kumar Milind Adv.
 Mr. Shagun Ruhil, Adv.
 Mr. Vishal Nautiyal, Adv

For Respondent(s) Ms. Anindita Pujari, AOR
 Mr Azad Bansala, Adv
 Mr Siddhartha Srivastava, Adv
 Ms Prakriti Rastogi, Adv
 Ms. Kavita Bhardwaj, Adv.

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

Leave granted.

Appeal is allowed in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(NIRMALA NEGI)
 COURT MASTER (SH)

(BEENA JOLLY)
 COURT MASTER (NSH)

(Signed order is placed on the file.)