

(2009) 04 SC CK 0132

In the Supreme Court Of India

Case No : Special Leave Petition (C) No. 19550 of 2007

State of Rajasthan

APPELLANT

Vs

Shankar Lal

RESPONDENT

Date of Decision : 15-04-2009

Acts Referred:

Citation : (2009) 121 FLR 843 : (2009) 3 LLJ 573 : (2009) 5 SCALE 554 :
(2010) 1 SCC(L&S) 953

Hon'ble Judges : Tarun Chatterjee, J;H. L. Dattu, J

Bench : Division Bench

Final Decision : Disposed Of

Judgement

1. This SLP is directed against an order passed by a Division Bench of the High Court of Judicature for Rajasthan at Jaipur Bench, Jaipur rejecting the application for restoration filed at the instance of the petitioner on the ground that the petitioner had failed to show any sufficient cause for condoning the delay in filing the writ appeal.

2. The respondent raised a dispute regarding his termination before a Conciliation Officer at Rajasthan by application dated 13th of September, 1998. The dispute was referred to the Labour Court for consideration. The Labour Court, by its order dated 26th of June, 2000, directed reinstatement of the respondent No. 1 but not granted back wages from 30th of May, 1983 to 13th of September, 1993, but granted 30% back wages from 13th of September, 1993.

3. Feeling aggrieved by the order of the Labour Court, the petitioner filed a writ petition before the Division Bench of the High Court of Rajasthan. The Division Bench of the High Court, by an order dated 18th of October, 2004, directed the petitioner to remove the defects in filing the appeal within one week from that date, failing which, the appeal shall stand dismissed. Admittedly, the defects were not removed by the petitioner and accordingly, the special appeal stood dismissed.

4. For restoration of the writ appeal, the application was filed by the petitioner along with an application for condonation of delay and the High Court, by the impugned order, rejected the same.

5. We have heard the learned Counsel for the parties and examined the impugned order as well as the application for restoration and the cause shown by the petitioner for not complying with the directions of the High Court, which directed him to remove the defects indicated in the order dated 18th of October, 2004 and also the application for condonation of delay in filing the same.

6. Considering the fact that the poor workman, for not fault of his, could not get the fruit of the contested award passed in his favour and, in our view, the reasons given for restoration of the appeal were not satisfactory and considering the findings made in the impugned order that the State-appellant had unnecessarily dragged the matter, we are of the view that the impugned order, holding that no sufficient cause was shown for restoration of the appeal, cannot be disturbed and therefore, we do not find any ground to interfere with the same.

7. Accordingly, this SLP is dismissed. There will be no order as to costs.