

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3773 OF 2017

(Arising out SLP (C) No. 3511 of 2017)

ZILA PANCHAYAT BULANDSHAHR

Appellant (s)

VERSUS

DEEPIKA SINGH

Respondent(s)

O R D E R

1) Leave granted.

2) We have heard the learned Senior Counsel appearing for the appellant.

3) The only question which arises for our consideration is whether the impugned judgment of the High Court is justified on the basis that there is subsequent notification dated 01.12.2004 superseding all other notifications wherein powers have been vested with the City Magistrate under the Act to act as Prescribed Authority.

4) It appears that the High Court allowed the writ petition filed by the respondent herein finding that vide Notification of 1974 and in the light of Section 21 of the U.P. General Clauses Act, 1904 which is para materia with Section 21 of the General Clauses Act, 1897, the jurisdiction of the prescribed authority has been cancelled. Thus, only the Labour Commissioner and officers below him exclusively has jurisdiction to entertain the matters in respect of public premises.

5) Having regard to the facts of the case, we find that the High Court, without considering the materials available on record, had passed the impugned order. In our opinion, the notification dated 01.12.2004 authorized the City Magistrate to act as prescribed authority. Therefore, we are of the view that the order passed by the High Court cannot be accepted or held sustainable in the eyes of law and the same is set aside.

6) Accordingly, the appeal is allowed.

..... J.
(PINAKI CHANDRA GHOSE)

..... J.
(ROHINTON FALI NARIMAN)

New Delhi;
March 06, 2017.

ITEM NO.8

COURT NO.6

SECTION XI

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 3511/2017

(Arising out of impugned final judgment and order dated 06/05/2016 in WC No. 14422/2016 passed by the High Court Of Judicature at Allahabad)

ZILA PANCHAYAT BULANDSHAHR

Petitioner(s)

VERSUS

DEEPIKA SINGH

Respondent(s)

(With interim relief and office report)

Date : 06/03/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE PINAKI CHANDRA GHOSE
HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

For Petitioner(s) Mr. R.B. Singhal, Sr. Adv.
Mr. Aftab Ali Khan, Adv.
Mr. Anil K. Chopra, AOR

For Respondent(s) Mr. Judy James, Adv.

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

Leave granted.

The appeal is allowed in terms of the signed order.

(R. NATARAJAN)
Court Master

(SNEH LATA SHARMA)
Court Master

(Signed order is placed on the file)