

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S).6107-6109 OF 2019
Arising out of SLP(C) Nos.609-611/2014

NATIONAL TEXTILE CORP. LTD & ANR.ETC.ETC.

Appellant(s)

VERSUS

CONTROLLING AUTH. UNDER PAY. OF G.A & ORS.ETC.ETC.

Respondent(s)

WITH

CIVIL APPEAL NO(S).6110-6112 OF 2019
Arising out of SLP(C) Nos.7622-7624/2015

O R D E R

Leave granted.

Indore Malwa Mills, Swadeshi Textile Mills and Kalyanmal Mills became sick and were closed. Badlee workers in the said Mills filed cases before the Controlling Authority, Assistant Labour Commissioner under the Payment of Gratuity Act, 1972 (hereinafter, the 'Act') claiming payment of gratuity. The Management of the mills contended that the badlee workers were not entitled for payment of gratuity. The Controlling Authority under the Act passed orders directing the Mills to pay the gratuity along with interest. A Statutory appeal was filed under Section 7 (7) of the Act before the Controlling Authority.

Simultaneously, the appellants filed writ petitions in the High Court questioning the legality and validity of the orders passed by the Controlling Authority directing payment of gratuity. The writ petitions were dismissed on the ground that the statutory appeal was pending and filing of the writ petition was only an attempt to avoid deposit of amounts due to the workmen before the Appellate Authority. The appeals filed by the appellants were also dismissed against which judgment, the above appeals are filed.

One of the points canvassed before the High Court by the appellants pertains to whether the Central Government would be the appropriate Authority under the Act. The appellants contended that the impugned order passed by the Controlling Authority who was appointed by the State of Madhya Pradesh is wholly without jurisdiction. The High Court found that such an objection was not taken before the Controlling Authority. However, the appellants have raised this question pertaining to the jurisdiction of the Controlling Authority in the appeal pending before the Appellate Authority.

While dismissing the appeals, the High Court granted liberty to the appellants to raise all grounds including the question of jurisdiction of the Appellate Authority.

We are informed that the Appellate Authority under the Act and Deputy Labour Commissioner, Madhya

Pradesh passed an order on 15.09.2014 dismissing the appeals filed by the appellants.

Special Leave Petition Nos.7622-7624/2015 are preferred by the appellants against the order dated 15.09.2014 passed by the Appellate Authority.

Without expressing any opinion on the merits of the matter, we dispose of all these appeals with liberty to the appellants to approach the High Court, if they are aggrieved by the order passed by the Appellate Authority on 15.09.2014.

All contentions are left open. As the matter has been pending since 2002 and the matters pertains to payment of gratuity to badlee workers, we request the High Court to dispose of the appeal at the earliest.

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

.....J
(L.NAGESWARA RAO)

.....J
(HEMANT GUPTA)

NEW DELHI;
06th August, 2019

ITEM NO.18

COURT NO.10

SECTION IV-A

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).609-611/2014

(Arising out of impugned final judgment and order dated 10-10-2013 in WA No. 549/2013 10-10-2013 in WA No. 548/2013 10-10-2013 in WA No. 550/2013 passed by the High Court Of M.P At Indore)

NATIONAL TEXTILE CORP. LTD & ANR.

Petitioner(s)

VERSUS

CONTROLLING AUTH. UNDER PAY. OF G.A&ORS
(Application for interim directions)

Respondent(s)

WITH

SLP(C) Nos.7622-7624/2015

Date : 06-08-2019 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO

HON'BLE MR. JUSTICE HEMANT GUPTA

For Petitioner(s) Mr. Ajit Pudussery, AOR
Mr. Vijayan, Adv.
Mr. Ajeet Singh Verma, Adv.

For Respondent(s) Ms. Nidhi, AOR
Mr. Divyesh Pratap Singh, AOR

Mr. Ashwini Kumar, Adv.
Mr. Khowaja Siddiqi, Adv.

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

Leave granted.

The appeals are disposed of in terms of the
signed order. Pending application(s), if any, stand
disposed of.

(B.Parvathi)
Court Master

(Sunil Kumar Rajvanshi)
Court Master

(Signed order is placed on the file)