

ITEM NO.4 COURT NO.5 OUT TODAY
SECTION IV-A

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

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 42322/2019
(Arising out of impugned final judgment and order dated 30-10-2018
in WP No. 4292/2017 passed by the High Court Of M.p Principal Seat
At Jabalpur)

CHIEF ENGINEER Petitioner(s)

VERSUS

TANTU LAL RAJAK & ANR. Respondent(s)

(FOR ADMISSION and I.R. and IA No.34958/2020-CONDONATION OF DELAY
IN FILING and IA No.34960/2020-EXEMPTION FROM FILING O.T. and IA
No.34959/2020-CONDONATION OF DELAY IN REFILING / CURING THE
DEFECTS)

Date : 06-03-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE R. BANUMATHI
HON'BLE MR. JUSTICE A.S. BOPANNA

For Petitioner(s) Mr. Harsh Parashar, AOR
Mr. Chanakya Sharma, Adv.
Ms. Tanvi Bhatnagar, Adv.

For Respondent(s)

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

Delay condoned.

We have heard learned counsel appearing for the petitioner-
Chief Engineer, who has submitted that in view of section 2 of the
M.P. Uchcha Nyayalaya (Khand Nyayapeeth Ko Appeal) Adhiniyam, 2005,
the appeal from the order of Single Judge arising out of order of
the Labour Court, may not be maintainable before the Division Bench
of the High Court.

Since the special leave petition is preferred against the
order of Single Judge, the special leave petition is disposed of

giving liberty to the petitioner to file the appeal before the Division Bench of the High Court, if such appeal remedy is available. If the appeal is not entertained by the High Court, on the ground of maintainability for the reasons to be set out, the petitioners are at liberty to approach the Supreme Court.

While considering the delay in filing the writ appeal, the High Court shall keep in view the time spent by the petitioner in pursuing the special leave petition and also obtaining opinion of Law officers in the State of M.P at various levels.

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

(MADHU BALA)
AR-CUM-PS

(BEENA JOLLY)
BRANCH OFFICER