

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.3929 OF 2017

(Arising out of SLP (C) No.8321 of 2017 @ SLP(CC) No.4863 of 2017)

ZILA PANCHAYAT BULANDSHAHR

Appellant (s)

VERSUS

PANKAJ SINGH

Respondent (s)

WITH

CIVIL APPEAL NO.3930 OF 2017

(Arising out of SLP (C) No.8323 of 2017 @ SLP (CC) No.4941 of 2017)

O R D E R

- 1) Delay condoned and perused the Office Report 9th March, 2017.
- 2) Leave granted.
- 3) We have heard the learned Senior counsel appearing for the appellant.
- 4) 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.
- 5) 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.

6) 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.

7) Accordingly, the appeals are allowed.

..... J.
(PINAKE CHANDRA GHOSE)

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

New Delhi;
March 10, 2017.

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).....CC
No(s). 4863/2017

(Arising out of impugned final judgment and order dated 06/05/2016
in WC No. 15204/2016 passed by the High Court of Judicature at
Allahabad)

ZILA PANCHAYAT BULANDSHAHR THROUGH ADDITIONAL Petitioner(s)
CHIEF OFFICER

VERSUS

PANKAJ SINGH Respondent(s)

(With appln.(s) for c/delay in filing SLP and office report)

With Petition(s) for Special Leave to Appeal (C).....CC
No(s). 4941/2017

(With appln.(s) for c/delay in filing SLP and office report)

Date: 10/03/2017 These petitions were 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. Hira Lal, Adv.
Mr. Syed Imtiaz Ali, Adv.
Mr. Jafar Imam Naqvi, Adv.
Mr. Anil K. Chopra, AOR

For Respondent(s)

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

Delay condoned and perused the Office Report 9th March, 2017.

Leave granted.

The Appeals are allowed in terms of the signed order.

(VISHAL ANAND)
COURT MASTER

(SNEH LATA SHARMA)
COURT MASTER

(Signed Order is placed on the file)

