

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.19497 OF 2017
(Arising out of S.L.P.(Civil)No.19071 of 2011)

GOVERNMENT OF TAMIL NADU ... APPELLANT(S)

VS.

UNITED LABOUR FEDERATION & ANR. ... RESPONDENT(S)

WITH

CIVIL APPEAL NO.19499 OF 2017
(Arising out of S.L.P.(Civil)No.19072 of 2011)

CIVIL APPEAL NO.19498 OF 2017
(Arising out of S.L.P.(Civil)No.19076 of 2011)

O R D E R

Civil Appeals arising out of SLP(Civil)Nos.19071
and 19072 of 2011

Leave granted.

We have heard Mr.Rakesh Dwivedi, learned senior counsel appearing for the appellant, Mr. V.Prakash, learned senior counsel appearing for respondent No.1 and perused the impugned order passed by the High Court of Judicature at Madras.

Our attention was invited to the order dated 23rd April, 2007 passed by the Division Bench of the Madras High Court in Writ Appeal Nos.2234 of 2000, 2665 to 2667 of 2002, Writ Petition Nos.12544 of 1999 and 47160 of 2006, W.A.M.P.Nos.4498 to 4500 of 2002 and M.P. 1/2006 and C.M.P.No.19410 of 2000 and W.P.No.12544 of 1999

wherein the State of Tamil Nadu or the Government of Tamil Nadu was not a party. Direction No.(x), amongst the other directions, which is the subject matter of dispute in these present appeals is as follows:-

(x) Since the Corporation of Chennai has expressed its inability to absorb any of the employees into its services as of now, we hereby direct that in case of any vacancies lying vacant as on date with the Corporation of Chennai or which would arise hereafter, it shall strive to absorb the above said identified persons (as mentioned in clause (vi) above) into its services, in their order of seniority, before going to appoint any fresh hands."

From perusal of the aforesaid direction, it appears that the High Court has given direction to the Corporation of Chennai to absorb the identified persons as mentioned in clause (vi) of the directions to absorb any of the employees into its services in their order of seniority before going to appoint any fresh hands. Directions were specifically to be complied with by the Corporation of Chennai. The Government of Tamil Nadu does not come into the picture at all. Subsequently, it appears that directions were not complied with and respondent No.1 herein preferred another Writ Petition No.10955 of 2008 in which the interim order was passed to the following effect:

"There shall be a direction to comply with the earlier order of this Court dated 23.4.2007 with regard to regularization of the workers belonging to the Petitioners Union, by the end of May 2010 and report compliance on 14.6.2010."

Mr. Rakesh Dwivedi, learned senior counsel submitted that as the Government of Tamil Nadu was not a party in the earlier proceedings, there was no occasion for the Division Bench to direct compliance of the earlier order dated 23rd April, 2007 by the end of May, 2010 and report compliance on 14th June, 2010.

Mr. V. Prakash, learned senior counsel appearing for respondent No.1 fairly submitted that as the Government of Tamil Nadu was not a party and the direction was issued only for the Corporation of Chennai to do certain things, the Government of Tamil Nadu was not to comply with the order.

In this view of the matter, we clarify the order dated 23rd April, 2007 as to not bind the Government of Tamil Nadu.

Therefore, these appeals fail and are dismissed.

However, this order will not have any effect on the civil appeal arising out of SLP(Civil)No.19076 of 2011 which has been filed by the Corporation of Chennai.

Civil Appeal arising out of SLP(Civil)No.19076 of 2011

Leave granted.

We have heard Mr. Rakesh Dwivedi, learned senior counsel and Mr. V. Prakash, learned senior counsel appearing for respondent No.1. The order impugned in the present appeal has been passed on 23rd April, 2007 in

W.P.No.12544 of 1999 in which the Division Bench of the Madras High Court had given certain directions. The appellant appears to be aggrieved by direction No.(x) contained in the said order. It may be mentioned here that the said order was passed on 23rd April, 2007, the appellant kept quiet and only when a direction was issued in another round of litigation to comply with the order within a particular time frame, the appellant woke up and approached this Court by filing this appeal in the year 2011 without challenging the subsequent order.

We, therefore, do not find any good ground to interfere with the impugned order.

However, it will be open for the appellant, if so advised, to challenge the subsequent order.

The appeal fails and is dismissed in the above terms.

.....J.
[R.K.AGRawal]

.....J.
[ABHAY MANOHAR SAPRE]

New Delhi;
November 21, 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) No(s). 19071/2011

(Arising out of impugned final judgment and order dated 28-04-2010 in WP No. 10955/2008 passed by the High Court of Judicature at Madras)

GOVT OF TAMIL NADU

Petitioner(s)

VERSUS

UNITED LABOUR FEDERATION AND ANR.

Respondent(s)

WITH

SLP(C) Nos. 19076/2011 and 19072/2011

Date : 21-11-2017 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.K. AGRAWAL

HON'BLE MR. JUSTICE ABHAY MANOHAR SAPRE

For Petitioner(s) Mr. Rakesh Dwivedi, Sr. Adv.
Mr. Subramonium Prasad, Sr. Adv.
Mr. Vinodh Kanna B., AOR
Mr. A. Sriram, Adv.

Mr. Subramonium Prasad, Sr. Adv.
Mr. M. Yogesh Kanna, AOR
Ms. Sujatha Bagadhi, Adv.

For Respondent(s) Mr. V. Prakash, Sr. Adv.
Mr. Eashwar, Adv.
Mr. Shivaji M. Jadhav, AOR

Mr. B. Balaji, AOR

Mr. Subramonium Prasad, Sr. Adv.
Mr. M. Yogesh Kanna, AOR
Ms. Sujatha Bagadhi, Adv.

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

Leave granted.

The appeals are dismissed in terms of the signed order.

Pending application stands disposed of.

(ANITA MALHOTRA)
COURT MASTER

(CHANDER BALA)
COURT MASTER

(Signed order is placed on the file.)