

# Mico Contract Employees Association vs Motor Industries Ltd. on 10 August, 2023

**Author: Pamidighantam Sri Narasimha**

**Bench: Pamidighantam Sri Narasimha**

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 7722/2012

MICO CONTRACT EMPLOYEES ASSOCIATION

APPE

VERSUS

MOTOR INDUSTRIES LTD. & ORS.

RESP

WITH C.A. NO. 7128/2013

O R D E R

CIVIL APPEAL NO(S). 7722/2012

1. This is an appeal of the year 2012.

Learned

appearing for the appellant submits that he

instructions in this matter.

2. Mr. K.K. Mani, learned counsel appearing for respondent No.2, who is assisting Mr. K. Kasturi, learned senior counsel, submit that this matter has become infructuous for multiple reasons.

3. In view of the above circumstance, the civil appeal is dismissed.

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

CIVIL APPEAL NO(S). 7128/2013 Reason: 1. We had the benefit of detailed submission of Mr. Colin Gonsalves, learned senior counsel, Mr. Prateek K. Chadha, learned Additional Advocate General for

the State of Karnataka and Mr. Rajesh Gautam, learned counsel for Respondent No.2.

2. Having looked into the notification dated 11.04.1997, followed by the decision of this Court on 02.02.2001 in *Barat Fritz Werner Ltd. v. State of Karnataka*, (2001) 4 SCC 498, in the context of the decision of the Constitution Bench in *Steel Authority of India Ltd. and Others v. National Union Waterfront Workers and Others*, (2001) 7 SCC 1, we are not inclined to interfere with the judgment of the High Court.

3. Our decision is particularly based on the directions in sub-paragraph (4) of paragraph 125 in *Steel Authority of India Ltd. and Others* (supra), where the Court laid down the principle on the basis of which the benefits arising from the declaration in *Air India Statutory Corporation v. United Labour Union and Others*, (1997) 9 SCC 377, is to operate in old cases. In sub-paragraph (4), it has been provided that if there is any direction for absorption followed by action of implementation of the order, then the operation of the decision in the judgment of *Steel Authority of India Ltd. and Others* (supra) will not prevent absorption. The facts of the present case reveal that there is neither a direction for absorption nor any action of implementation. Under these circumstances there is no absorption of the workmen into the employment.

4. In this view of the matter, we are not inclined to interfere with the judgment of the High Court and therefore dismiss the Civil Appeal No. 7128/2013. There will be no order as to costs.

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

.....J ( PAMIDIGHANTAM SRI NARASIMHA ) .....J ( MANOJ MISRA )  
NEW DELHI;

AUGUST 10, 2023

ITEM NO.114

COURT NO.16

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

CIVIL APPEAL NO(S). 7722/2012

MICO CONTRACT EMPLOYEES ASSOCIATION

APPELLANT(S)

VERSUS

MOTOR INDUSTRIES LTD. & ORS.

RESPONDENT(S)

WITH

C.A. NO. 7128/2013 (IV-A)

Date : 10-08-2023 These appeals were called on for hearing today. CORAM : HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA HON'BLE MR. JUSTICE MANOJ MISRA For Appellant(s) Mr. Sudhir Kumar Gupta, AOR Mr. Suryakant Singla, Adv.

Mr. Manish Gupta, Adv.

Mr. Colin Gonsalves, Sr. Adv.

Mr. Satya Mitra, AOR Ms. Kawalpreet Kaur, Adv.

For Respondent(s) Mr. K. Kasturi, Sr. Adv.

Mr. K.K. Mani, AOR Ms. T.archana, Adv.

Mr. Rajeev Gupta, Adv.

Mr. Vinay Rajput, Adv.

Mr. Prateek K Chadha, A.A.G. Mr. V. N. Raghupathy, AOR Mr. Manendra Pal Gupta, Adv.

Mr. Sreekar Aechuri, Adv.

Ms. Pragya Ganjoo, Adv.

Ms. Muskaan Singla, Adv.

Mr. Rajesh Kumar Gautam, Adv.

Mr. Anant Gautam, Adv.

Mr. Kartik Jindal, Adv.

Mr. Sumit Sharma, Adv.

Ms. Anani Achumi, Adv.

Mr. Dinesh Sharma, Adv.

Ms. Shivani Sagar, Adv.

For M/s. Mitter & Mitter Co., AOR UPON hearing the counsel the Court made the following O R D E R CIVIL APPEAL NO(S). 7722/2012 & These appeals are dismissed, in terms of the signed order.

Mico Contract Employees Association vs Motor Industries Ltd. on 10 August, 2023

(NARENDRA PRASAD) (ANJU KAPOOR) ASTT. REGISTRAR-cum-PS COURT MASTER (NSH)  
(Common Signed order in both these appeals is placed on the file)