



2026:UHC:1431-DB

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

HON'BLE THE CHIEF JUSTICE SRI MANOJ KUMAR GUPTA
AND
HON'BLE SRI JUSTICE SUBHASH UPADHYAY

SPECIAL APPEAL NO. 36 OF 2026

27TH FEBRUARY, 2026

Neel Metal Products Ltd. Appellant

Versus

Neel Metal Kamgar Sangathan
and others Respondents

Counsel for the appellant : Mr. Vipul Sharma, learned counsel
Counsel for the respondents : Mr. Yogesh Kumar Pacholia, learned
counsel for respondent Nos. 1 & 2
: Mr. Amarendra Pratap Singh, learned
Additional Advocate General for the
State / respondent Nos. 3 to 7

The Court made the following:

JUDGMENT: (per Sri Manoj Kumar Gupta, C.J.)

Delay Condonation Application (I.A. No. 02 of 2026)

- 1) Heard counsel for the parties.
- 2) Delay of 17 days in filing the appeal is satisfactorily explained in the affidavit filed in support of the delay condonation application. Accordingly, delay is



condoned. Office is directed to allot a regular number to the instant appeal.

SPECIAL APPEAL NO. 36 OF 2026

3) The present intra-court Appeal is directed against an order dated 24.12.2025, passed in Writ Petition (M/S) No. 3576 of 2025. The said writ petition was filed by the respondent-workman challenging the order of his termination dated 17.11.2025. The writ court has observed that since the respondent was a workman in a private company, therefore, he could not have approached directly under Article 226 of the Constitution. He had remedy of raising industrial dispute. The Single Judge has noted that the conciliation proceedings had failed and the matter was before the State Government for making reference under Section 4K of the U.P. Industrial Disputes Act. Having regard to the said aspect the Single Judge has further observed that until reference is made under Section 4K, the respondent shall be retained in the employment by the appellant company.

4) Being aggrieved by the aforesaid direction, the appellant has preferred the present appeal.

5) Learned counsel for the appellant submits that once the Single Judge has held that writ petition was not maintainable, as appellant is a private company, it was not



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justified in issuing any further direction. He further submits that opportunity of hearing was also not granted to the appellant while issuing the said direction.

6) Learned State Counsel states that by an order dated 22.01.2026, the dispute has been referred to the Labour Court. The order passed in this behalf has been placed before us during course of hearing.

7) As reference has already been made, therefore, the direction given by learned Single Judge has already outlived its life. Consequently, we are not inclined to further examine the submissions in the present intra-court appeal.

8) The appeal is, accordingly, disposed of. However, all pleas and contentions are left open for being raised by the parties before appropriate forum.

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

MANOJ KUMAR GUPTA, C.J.

SUBHASH UPADHYAY, J.

Dt: 27TH FEBRUARY, 2026
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