

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No(s). 11-12 OF 2018
(Arising out of SLP(C) Nos. 18527-18528 of 2017)

PUBLIC WORK DEPARTMENT, HARIDWAR

Appellant(s)

VERSUS

JAIDRATH

Respondent(s)

O R D E R

Leave granted.

Heard learned counsel for the parties.

In the instant cases, the workman has served from 01.01.1986 to 28.11.1988. He was unceremoniously removed from the service on 29.11.1988. He raised the dispute in which reference was made in the year 2002. The Labour Court directed compensation of Rs.30,000/- be paid but declined the reinstatement. However, the High Court has ordered that the provisions of Section 6N of the U.P. Industrial Disputes Act, 1947 has not been complied with and ordered reinstatement along with back wages with all consequential benefits and interest at the rate of 9% p.a. on the back wages.

Aggrieved thereby, the appeals have been preferred by the Public Works Department.

After hearing learned counsel for the parties, we are of the opinion that since the services had been rendered way back in the year 1986 to 1988 and the case was referred to the Labour court by making reference in the year 2002 for adjudication, it would be sufficient in this case, if we award the compensation in lieu of the reinstatement.

In the peculiar facts and circumstances of the case, we award the compensation of Rs.90,000/- instead of reinstatement and back wages. Let the amount of Rs.90,000/- as compensation be paid within a period of two months from today to the respondents.

The impugned order passed by the High Court is set aside. The appeals are allowed to the aforesaid extent.

.....J.
(ARUN MISHRA)

.....J.
(MOHAN M. SHANTANAGOUDAR)

NEW DELHI;

JANUARY 04, 2018

ITEM NO.5

COURT NO.9

SECTION X

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).
18527-18528/2017

(Arising out of impugned final judgment and order dated 19-12-2016
in WP No. 239/2016 27-03-2017 in MCC No. 187/2017 passed by the
High Court Of Uttarakhand At Nainital)

PUBLIC WORK DEPARTMENT, HARIDWAR

Petitioner(s)

VERSUS

JAIDRATH

Respondent(s)

(IA No.46117/2017-CONDONATION OF DELAY IN FILING and IA
No.46118/2017-EXEMPTION FROM FILING O.T. and IA
No.51828/2017-EXEMPTION FROM FILING O.T. and IA
No.51826/2017-PERMISSION TO FILE ADDITIONAL DOCUMENTS)

Date : 04-01-2018 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA

HON'BLE MR. JUSTICE MOHAN M. SHANTANAGUDAR

For Petitioner(s) Ms. Rashmi Singh, AOR

For Respondent(s) Mr. Rajesh Tondon, Sr. Adv.
Ms. Charanjeet Kaur, Adv.
Ms. Sweta Rani, AOR
Mr. Mohammad Muztafa, Adv.

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

Delay condoned.

Leave granted.

The impugned order passed by the High Court is set aside. The
appeals are allowed to the aforesaid extent indicated in the signed
order.

Pending application, if any shall stand disposed of.

(NEELAM GULATI)
COURT MASTER (SH)

(JAGDISH CHANDER)
BRANCH OFFICER

(SIGNED ORDER IS PLACED ON THE FILE)