

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S) . OF 2017  
[@SPECIAL LEAVE PETITION (C) NO. OF 19904 OF 2015]

CHIEF ENGINEER, DS (NORTH), PUNJAB STATE  
ELECTRICITY BOARD AND ANR.

APPELLANT (S)

VERSUS

RADHEY SHAM

RESPONDENT(S)

O R D E R

1. Heard the learned counsel for the parties.
2. Delay condoned.
3. Leave granted.
4. The workman worked with the petitioner-employer for three years i.e., w.e.f. 1987 to 1990 when his services were illegally terminated on 24.8.1990. The principle of "last come, first go" contained in Section 25 G was not followed in this case. His juniors were retained whereas he was removed from work. Rule of "last come first go" has to be adopted otherwise retrenchment has to be termed as illegal and arbitrary.
5. No special reasons have been given for terminating the services of a senior incumbent and retaining a junior. The High Court has rightly found that the retrenchment was illegal. However, with respect to back wages, in the facts and circumstances of the case, it would be proper, in our opinion to confine back wages to 50% and not the full back

wages as ordered by the High Court.

6. The order of the High Court is modified, accordingly.

7. The reinstatement to be made in the same post/equivalent post in the same post and 50% back wages to be paid within a period of three months.

8. The appeal is allowed to the aforesaid extent.

.....J  
(ARUN MISHRA)

.....J  
(AMITAVA ROY)

NEW DELHI;  
MAY 8, 2017

ITEM NO.48

COURT NO.12

SECTION XV

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).19904/2015

(Arising out of impugned final judgment and order dated 25/08/2014 in LPA No. 875/2014 passed by the High Court Of Punjab & Haryana at Chandigarh)

CHIEF ENGINEER, DS (NORTH), PUNJAB STATE ELECTRICITY  
BOARD AND ANR.

Petitioner(s)

VERSUS

RADHEY SHAM  
(with office report)

Respondent(s)

Date : 08/05/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA  
HON'BLE MR. JUSTICE AMITAVA ROYFor Petitioner(s) Mr. Jayant K. Sud, Sr. Adv.  
Mrs. Priya Puri, Adv.  
Mr. Vivek Narain Sharma, Adv.  
Mr. Umang K. Singh, Adv.For Respondent(s) Mr. Rakesh Uttamchandra Upadhyay, Adv.  
Ms. Aarti Upadhyay, Adv.  
Mr. Amar Deep Sharma, Adv.UPON hearing the counsel the Court made the following  
O R D E R

Delay condoned.

Leave granted.

The appeal is allowed in terms of the signed order.

(B.Parvathi)  
Court Master(Tapan Kr. Chakraborty)  
Court Master

(Signed order is placed on the file)