

ITEM NO.32 Court 4 (Video Conferencing) SECTION IV-A

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).11426-11427/2020

(Arising out of impugned final judgment and order dated 27-02-2020 in WP No. 5110/2013 01-09-2020 in RP No. 552/2020 passed by the High Court Of M.P. at Indore)

CHAIRMAN CUM MANAGING DIRECTOR BHARAT SANCHAR
NIGAM LTD. & ORS.

Petitioner(s)

VERSUS

KRISHNENDRA SINGH & ANR.

Respondent(s)

(FOR ADMISSION and I.R.[FOR DISPOSAL])

Date : 22-01-2021 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MR. JUSTICE S. RAVINDRA BHAT

For Petitioner(s) Mr.Dinesh Agnani Sr.Advocate
 Ms. Leena Tuteja Advocate
 Mr. Piyush Sharma, AOR

For Respondent(s) Dr. Rajeev Sharma AOR
 Mr. Bhanwar Pal Singh Jadon Adv.
 Ms. Meena Hasan Adv.
 Mr.Haji Salimuddin Adv.
 Mr. Raghuvir Sharma Adv
 Mr.Vipin Sharma Adv
 Mr.Dharmendra Sharma Adv
 Mr. Prashant Sharma Adv.

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

The petitioner was directed by the High Court as under:

"The respondents are directed to reinstate the

petitioner forthwith in service alongwith all consequential benefits including backwages. It is made clear that in case, the order passed by this Court is not complied with within 90 days, the petitioner shall be entitled for interest @ 8.5% per annum from the date the amount became due till it paid to him."

It is a matter of record that during the pendency of the proceedings, the present respondent received Rs.28,08,659/- towards retiral benefits on the basis that he was compulsorily retired from service.

Now that the order of compulsory retirement stands set aside with direction of reinstatement and back-wages, according to the petitioner, a sum of Rs.58,03,141/- would be required to be made over to the respondent in keeping with the direction issued by the High Court.

Since the reinstatement will be a natural corollary of the order which is presently under challenge, the respondent must return the advantage which he received by way of retiral dues as stated above. In effect, the respondent must be paid Rs.29,94,482/- being the difference between Rs.58,03,141/- and Rs.28,08,659/-.

However, a submission has been raised on behalf of the respondent that the figure of Rs.58,03,141/- does not take into account the normal increases in the pay scale or pay fixation of the respondent.

In the circumstances, while refusing to interfere in the instant case, we direct as under:

(a) The petitioner shall calculate the dues of the respondent

within three weeks from today.

(b) The petitioner shall make over to the respondent the sum of Rs.29,94,482/- or such amount found to be due to the respondent after the calculation as stated in (a) is undertaken;

(c) The amount so due shall be made over to the respondent on or before 01.03.2021;

(d) The element of interest @ 8.5% shall be chargeable on said amount if it is not made over on or before 01.03.2021.

With the aforesaid modifications, this Special Leave Petitions are disposed of.

Pending applications, if any, shall stand disposed of.

(INDU MARWAH)
COURT MASTER (SH)

(PRADEEP KUMAR)
BRANCH OFFICER