

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4034 OF 2019
[@ SPECIAL LEAVE PETITION (C) NO. 6456 OF 2019]

JAINTI & ORS.

Appellant (s)

VERSUS

THE STATE OF UTTAR PRADESH & ORS.

Respondent(s)

O R D E R

1. Leave granted.

2. The present appeal arises out of the impugned Judgment and order dated 19.12.2017 passed by the High Court of Judicature at Allahabad, Bench at Lucknow in Misc. Single No. 29872 of 2016, whereby the High Court has sustained the order passed by the Labour Court regarding stoppage of future increments of the workman.

3. The brief facts leading to the present appeal are that the workman - Tribhuwan Pandey was employed in Gandhi Ashram Bulandshahar on 01.07.1964. He was subsequently transferred from Bulandshahar to Gandhi Ashram at Lucknow. He was dismissed from service on 08.11.2002 on account of having been found guilty of negligence. Aggrieved thereby, the workman approached the Labour Court in A.D. Case No. 105/2003.

During the pendency of the case before the Labour Court, the workman died and his legal heirs were brought on record. After a detailed inquiry, the Labour Court, though found the workman guilty of negligence, but also held that his dismissal was improper and illegal. The Labour Court directed that all future increments of the workman should be stopped.

4. Being aggrieved, the legal heirs of the workman approached the High Court, whereby the High Court has sustained the order passed by the Labour Court regarding stoppage of future increments of the workman. Hence, the legal heirs of the workman are before this Court, by way of special leave.

5. We have heard the petitioner, who appears in-person and the learned counsel for the respondent - State and have perused the material on record. In the facts and circumstances of the case, we find that the imposition of the penalty of withholding the increments cumulatively was absolutely bad in law. Hence, we have no hesitation to set aside the penalty awarded by the Labour Court and affirmed by the High Court. The increments that were accrued to the deceased employee till the date of his death shall be

paid to his legal heirs and the arrears shall be worked out within three months. The pensionary benefits shall also be worked out accordingly and be paid to the legal heirs within three months.

6. In view of the above, the appeal is allowed.

.....J.
[ARUN MISHRA]

.....J.
[NAVIN SINHA]

New Delhi;
April 22, 2019.

ITEM NO.62

COURT NO.4

SECTION XI

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). 6456/2019

(Arising out of impugned final judgment and order dated 19-12-2017 in MS No. 29872/2016 passed by the High Court Of Judicature At Allahabad, Lucknow Bench)

JAINTI & ORS.

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH & ORS.

Respondent(s)

(IA 177738/2018, 177740/2018)

Date : 22-04-2019 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE NAVIN SINHA

For Petitioner(s) Petitioner-in-person

For Respondent(s) Mr. Samar Vijay Singh, AOR
Mr. Manoj Kumar Mishra, Adv.

Mr. Birendra Prasad Singh, Adv.
Mr. Jai Prakash Katiyar, Adv.
Ms. C. Rubavathi, Adv.
Mr. M. A. Chinasamy, Adv.

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

Leave granted.

The appeal is allowed in terms of the signed order.

Pending interlocutory application(s), if any, is/are disposed
of.

(JAYANT KUMAR ARORA)
COURT MASTER

(ANITA RANI AHUJA)
COURT MASTER

(Signed order is placed on the file)