

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). 23663/2019

(Arising out of impugned final judgment and order dated 08-07-2019 in LPA No. 2393/2016(O&M) passed by the High Court of Punjab & Haryana at Chandigarh)

THE EXECUTIVE ENGINEER

Petitioner(s)

VERSUS

SUKHDEV
(OFFICE REPORT FOR DIRECTION IS TO BE LISTED)

Respondent(s)

IA No. 151030/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 29-11-2019 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE NAVIN SINHA
HON'BLE MR. JUSTICE KRISHNA MURARIFor Petitioner(s) Ms. Aastha Mehta, Adv.
Ms. Vishakha, Adv.
Mr. Vipul Shukla, Adv.
Ms. Deepanwita Priyanka, AOR

For Respondent(s)

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.

(NEETA SAPRA)
PERSONAL ASSISTANT
(Signed order is placed on the file)(DIPTI KHURANA)
COURT MASTER (NSH)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL 9118 OF 2019
(Arising out of Special Leave Petition (C) No. 23663/2019)

THE EXECUTIVE ENGINEER

Petitioner(s)

VERSUS

SUKHDEV

Respondent(s)

O R D E R

Leave granted.

None appeared on behalf of the respondent on the previous date. None is present today.

The respondent was appointed on daily wage on 01.07.1995. He was retrenched on 02.08.1997 in violation of Section 25-F of the Industrial Disputes Act, 1947. Following a reference in the year 1999, the Labour Court held the retrenchment to be invalid for failure to comply with the provisions of Section 25-F of the Industrial Disputes Act, 1947. But considering the passage of time from 1995 to 2004 instead of re-instatement it granted a compensation of Rs.1,20,000/-. The respondent claiming hostile discrimination against denial of re-instatement approached the High Court in the year 2005 which has been granted with 50% back wages on 04.05.2016.

In the peculiar circumstances of the case, considering the termination as far as back on 02.08.1997 we had required the appellant to deposit a sum of Rs.3,00,000/- which has been complied with.

In view of the continued non-appearance of the respondent, we dispose of this appeal in terms of the deposit made by the appellant which shall remain with this Court to be released to the respondent as and when he appears and claims the same. Learned counsel for the appellant, further, submits that as and when the respondent appears to claim the amount even if the validity of the instrument has expired, it will be revalidated and handed over to the respondent.

In the meantime, the amount deposited shall be invested by the Registry of this Court in a Nationalised Bank offering highest rate of interest. Notice may be issued to be respondent informing him of the deposit made.

The impugned order is set aside. The appeal is allowed, in the aforesaid terms.

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

..... J.
[NAVIN SINHA]

..... J.
[KRISHNA MURARI]

NEW DELHI;
NOVEMBER 29, 2019