

ITEM NO.46

COURT NO.10

SECTION XIV

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). 7510/2019

(Arising out of impugned final judgment and order dated 30-01-2019 in LPA No. 60/2019 passed by the High Court of Delhi at New Delhi)

NATIONAL THERMAL POWER CORPORATION LTD. (NTPC)                      Petitioner(s)

VERSUS

F S CHAUHAN & ORS.    Respondent(s)

(IA No. 45775/2019 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 12-07-2019 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD  
HON'BLE MS. JUSTICE INDIRA BANERJEE

For Petitioner(s)

Mr. Sanjoy Ghose, Adv.  
Mr. Adarsh Tripathi, Adv.  
Mr. Anish Gupta, Adv.  
Mr. Gaurav, AOR

For Respondent(s)

Respondent-in-person

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

Having found that the disciplinary enquiry which was held against the first respondent was not procedurally fair, the learned Single Judge by his order dated 11 December 2018 balanced the equities in moulding the ultimate relief. The enquiry report was of 2001 and the order of dismissal was of 2002. In the meantime, the first respondent attained the age of superannuation and had also enrolled as an advocate.

The learned Single Judge, in the circumstances, held that

the first respondent would not be entitled to back wages from the date of the order of dismissal until he attained the age of superannuation or enrolled as an advocate whichever is earlier. The first respondent states that he was enrolled as an advocate in 2002.

Consequently the following reliefs were granted:

"The period of suspension shall also be treated as such but shall be entitled to all retiral benefits either on the date of superannuation or on the date when he ceases to be employee on his being enrolled as an Advocate if he has enrolled before he had actually attained the age of superannuation. The retiral benefits shall be paid within a period of two months from the date of this order. If the same are released beyond a period of two months, interest @9% shall accrue to the petitioner."

The order of the learned Single Judge has been affirmed in a Letters Patent Appeal by the Division Bench of the Delhi High Court in its judgment dated 31 January 2019.

Having heard the learned counsel appearing on behalf of the petitioner and the first respondent, who appears in person, we find no infirmity in the reasons or in the ultimate order passed by the learned Single Judge which has been affirmed in appeal.

During the course of the hearing, an apprehension has been expressed on behalf of the petitioner that on the basis of the order of the High Court impugned in these proceedings, the first respondent may take recourse to other civil and criminal proceedings against the Corporation and its employees.

The first respondent has fairly stated before the Court that he has no intention to do so and he would be satisfied if his retiral dues are disbursed in terms of the directions issued by the

High Court in a time bound manner. The petitioner shall accordingly disburse the retiral dues in terms of the order of the learned Single Judge within a period of two months from today.

We clarify that the first respondent would be entitled to statutory interest on his gratuity as admissible in accordance with law, with effect from the date on which it accrued.

In consequence of the aforesaid understanding, all other proceedings shall stand closed. The contempt proceedings pending before the High Court shall also stand closed and disposed of.

The Special Leave Petition is accordingly disposed of.

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

(MANISH SETHI)  
COURT MASTER (SH)

(SAROJ KUMARI GAUR)  
BRANCH OFFICER