

D

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.3130 OF 2007

M/s. Bharat Electronics Ltd. & Anr.

...Appellant(s)

Versus

Alok Kumar Garg

...Respondent(s)

ORDER

Heard learned counsel for the parties.

This appeal has been filed against the impugned judgment of the Allahabad High Court dated 10th November, 2006. The facts of the case are narrated in the said impugned judgment and, hence, it is not necessary for us to repeat the same here except where necessary.

The respondent was appointed in the service of the appellant on 10th January, 1978 and he joined on 24th February, 1978. He started absenting himself frequently. During his service of about two years, he was absent for more than 150 days. His service was terminated on 2nd April, 1980 under Rule 25 of the BEL Executive Conduct, Discipline and Appeal Rules on the ground that he was absent for more than eight days after expiry of leave. He filed a suit which was decreed and that judgment was upheld in First Appeal and Second Appeal. Hence, this appeal by special leave before us.

...2/-

-2-

Although we agree with the learned counsel for the respondent that the termination order was illegal because a domestic enquiry should have been held against the respondent, yet, we are of the opinion that since the employee does not appear to have taken any interest in his work and he was repeatedly absenting himself, he is not entitled to reinstatement.

We, therefore, set aside the impugned judgments of the Courts below and direct that the respondent will be given only Rupees One lakh as compensation which will be paid within two months from

today.

The Appeal is disposed of with no order as to costs.

.....J.
(MARKANDEY KATJU)

.....J.
(AFTAB ALAM)

New Delhi,
December 03, 2008.
ITEM NO.113

COURT NO.10

SECTION XI

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 3130 OF 2007

M/S. BHARAT ELECTRONICS LTD & ANR.

Appellant (s)

VERSUS

ALOK KUMAR GARG

Respondent(s)

(With appln(s) for recalling the court's order and office report)

Date: 03/12/2008 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU
HON'BLE MR. JUSTICE AFTAB ALAM

For Appellant(s) Mr. S.N. Bhat, Adv.

For Respondent(s) Mr. Bharat Sangal, Adv.
Mr. Prasenjit Das, Adv.
Ms. Vernika Tomar, Adv.
Ms. Mrinalini Oinam, Adv.

UPON hearing counsel the Court made the following
ORDER

The Appeal is disposed of with no order as to costs, in terms
of the signed order.

(N. ANNAPURNA)
COURT MASTER

(INDU SATIJA)
COURT MASTER

(Signed order is placed on the file)