

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 7110-7111 OF 2004

D.T.C.

Appellant (s)

VERSUS

PRAKASH CHAND

Respondent(s)

(With prayer for interim relief)

WITH Civil Appeal NO. 693 of 2005

(With prayer for interim relief)

Civil Appeal NO. 7112-7113 of 2004

(With prayer for interim relief and office report)

Civil Appeal NO. 7114-7115 of 2004

(With office report)

Civil Appeal NO. 7120-7121 of 2004

Civil Appeal NO. 7122-7123 of 2004

(With office report)

Civil Appeal NO. 7127-7128 of 2004

Civil Appeal NO. 7129-7130 of 2004

Civil Appeal NO. 7131-7132 of 2004

Civil Appeal NO. 7133-7134 of 2004

Civil Appeal NO. 7135-7136 of 2004

Civil Appeal NO. 7137-7138 of 2004

Civil Appeal NO. 7737 of 2004

Date: 25/04/2006 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARIJIT PASAYAT

HON'BLE MR. JUSTICE TARUN CHATTERJEE

For Appellant(s)

Mr. Shakil Ahmed Syed, Adv.

Mr. Mohd. Taiyab Khan,Adv.

Mr. Firasat Ali Siddique,Adv.

For Respondent(s) Mr. Khwairakpam Nobin Singh,Adv.

Mr. Anil Mittal,Adv.

Dr. Kailash Chand,Adv.

Mr. Kuldip Singh,Adv.

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Mr. Anil Mittal,Adv.

Mr. Rajiv Nanda,Adv.

Mrs. Anil Katiyar,Adv.

Mrs. Anjani Aiyagari,Adv.

Mrs. Madhavi,Adv.

UPON hearing counsel the Court made the following

O R D E R

Civil Appeal Nos. 7135-7136/04, 7137-7138/04, 7112-7113/04,  
7114-

7115/04, 7120-7121/04, 7122-7123/04, 7127-7128/04, 7131-  
7737/04, 693/05

7132/04,

The appeals are disposed of in terms of the signed order.

7134/2004: Civil Appeal Nos. 7110-7111/2004, 7129-7130/2004, 7133-

These appeals are adjourned by four weeks.

(Shashi Sareen)

Court Master

(Vijay Aggarwal)

Court Master

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 7110-7111 OF 2004

D.T.C. ..  
. Appellant(s)

Versus

. PRAKASH CHAND ..  
Respondent(s)

WITH C.A. Nos. 7135-7136/2004, 7133-7134/2004, 7137-7138/2004, 7112-7113/2004, 7  
114-  
7115/2004, 7120-7121/2004, 7122-7123/2004, 7127-7128/2004, 7129-7130/2004, 7131-7132  
/2004,  
7737/2004, 693/2005

O R D E R

Heard learned counsel for the parties.

Considering the peculiar nature of the controversy and without goin  
g  
into the questions of law raised, we feel that on the special circumstances involved  
interest of justice would be best order if the following order is passed:

(1) Concerned respondents shall be reinstated without their laying any  
claim for back wages. The respondents in C.A. Nos. 7135-7136/2004,  
7112-7113/2004, 7114-7115/2004, 7120-7121/2004, 7122-7123/2004,  
7131-7132/2004 and 693/2005 are willing to join back without laying  
any claim for back wages.

(2) It is submitted by learned counsel for the concerned respondents that the period covered may be taken into account for the purpose of continuity so that certain retiral/pensionary benefits can be availed by them. We find the suggestion to be fair and reasonable. The arrangement is also accepted by learned counsel for the appellant Corporation.

(3) If the concerned respondents file their joining reports within three weeks from today at Head Quarter, their joining report shall be accepted by the concerned authority.

(4) So far as the respondent in C.A. Nos. 7127-7128/2004 is concerned it is brought to our notice by learned counsel for the respondent that

he had been removed on 2nd February, 1989 and has expired in 2001 .

Learned counsel for the respondent who was appearing for him in this Court submits that there is a pension scheme in force for those who were in employment of the Corporation as on 3.8.1981. That being so, the pension scheme shall be made applicable to the widow of deceased respondent Ranbir Singh.

In Civil Appeal No. 7137-7138/2004, there is no appearance on behalf of the respondent. Our order in relation to the respondents in the connected civil appeals shall apply so far as he is concerned.

So far as Civil Appeal Nos. 7737/2004 is concerned, it is pointed out by

learned counsel for the appellant-Corporation that by now even otherwise he has

attained the age of superannuation. In his case the applicable pension scheme

shall be made applicable and the retiral benefits available shall be extended to

him.

The appeals are disposed of accordingly.

Civil Appeals Nos. 7110-7111/2004, 7129-7130/2004, 7133-7134/2004:

These appeals are adjourned by four weeks.

.....J.

(ARIJIT PASAYAT)

.....J.

(TARUN CHATTERJEE )

New Delhi,

April 25, 2006.