

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(Civil)....CC 2185/2003

(From the judgement and order dated 04/10/2002 in LPA 108/02
of The HIGH COURT OF M.P AT GWALIOR)

M.P. LAGHU UDYOG NIGAM

Petitioner (s)

VERSUS

VIRENDRA SINGH & ANR.

Respondent (s)

(With I.A.No.1 - Appln(s). for c/delay in filing SLP)

Date : 03/03/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE Y.K. SABHARWAL
HON'BLE MR. JUSTICE H.K. SEMA

For Petitioner (s) Mr. AK. Chitale, Sr.Adv.
Mr. Niraj Sharma, Adv.
Mr. M. Mannan, Adv.

For Respondent (s) Mrs. Hemantika Wahi, Adv.
Ms. Aruna Gupta, Adv.

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

.....L.....I.....T.....T.....T.....T.....T.....T.....T.....J
.SP2

Delay condoned.
Issue notice. Ms. Hemantika Wahi accepts notice on
behalf of Respondent No.1. Respondent No.2 is proforma
respondent. Service on Respondent No.2 is dispensed with.
After hearing learned counsel for the parties for
about 10 minutes, the Court granted leave and allowed the
appeal.

.SP1

(S. Thapar)
PS to Registrar

(V.P. Tyagi)
Court Master

The signed order is placed on the file.

.PL56
L.....T.....T.....T.....T.....T.....T.....T.....T.....T.....R
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 1899 OF 2003@@
CCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCC
(Arising out of SLP(C)No.....CC 2185/2003)

M.P. Laghu Udyog Nigam

Appellant (s)

Versus

Virendra Singh & Anr.

Respondent (s)

O R D E R@@
CCCCCCCC

.....L.....I.....T.....T.....T.....T.....T.....T.....T.....J
.SP2

Delay condoned.

Issue notice limited to the question of grant of back wages to the workmen. Ms. Hemantika Wahi accepts notice on behalf of Respondent No.1. Respondent No.2 is a proforma respondent. He is an officer of the appellant - M.P. Laghu Udyog Nigam. Both counsel pray that the service on Respondent No.2 be dispensed with. We order accordingly.

Leave granted.

Respondent No.1 was working with the appellant viz. M.P. Laghu Udyog Nigam. Admittedly, he worked for more than 240 days. He was removed from service on 31st March, 1986. The learned Single Judge of the High Court, noticing these facts, allowed the Writ Petition of Respondent No.1 in terms of judgment dated 15th February, 2002 and directed re-instatement of Respondent No.1 (Writ Petitioner) along with back wages. The Letters Patent Appeal filed by the appellant was dismissed and, therefore, the management is before us in this appeal.

-2-

Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, in our view, Respondent No.1 is entitled to be paid 50% back wages and not full back wages from date of removal. Therefore, the impugned judgment of the Division Bench confirming that of learned Single Judge is modified to this limited extent. Respondent No.1 would, therefore, be re-instated and paid 50% back wages. The appeal is disposed of accordingly.

.SP1

.....J
(Y.K. Sabharwal)

New Delhi,
March 03, 2003

.....J
(H.K. Sema)