

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.7983 OF 2003

TATA IRON & STEEL & CO.

... APPELLANT

VERSUS

DHANANJAY MISHRA & ORS.

... RESPONDENTS

ORDER

The first respondent was an employee of the appellant (Tata Iron and Steel Co.Ltd.). According to the appellant, the first respondent sought premature retirement which was accepted, but subsequently the first respondent tried to resile from the premature retirement and wanted to continue. His request was not accepted. Feeling aggrieved, first respondent approached the Orissa High Court. The writ petition filed by the first respondent was allowed by the impugned order with a direction to the appellant to extend benefit of Early Separation Scheme to the first respondent in addition to giving normal retirement benefits.

2. The said order is challenged in this appeal primarily on two grounds. First ground is that appellant not being a 'State' within the meaning of that expression in Article 12 of the Constitution and as the action of the appellant was not reference to discharge of any public

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duty, a writ petition was not maintainable. Second ground is the first respondent is not entitled to the benefit of Early Separation Scheme.

3. After the matter was heard for some time yesterday, the parties sought time till today to explore the possibility of a settlement.

When the matter came up today, the parties reported that they arrived at an out of court settlement. Both counsel submitted on instructions that in addition to the sum of Rs.3,62,625/- which has been paid to the first respondent pursuant to the interim order dated 14.07.2003, the appellant Company will pay in all a lump sum of Rs.5,00,000/- (rupees five lakhs) to the first respondent in full and final settlement of all outstanding claims. The said sum will include the amount

Mr. Raj Kumar Mehta ,Adv
Mr. Antaryami Upadhyay, Adv.

Mr. Jana Kalyan Das ,Adv

UPON hearing counsel the Court made the following
ORDER

The appeal is allowed in terms of the signed order.and the order
of the High Court is set aside and the writ petition is disposed of as settled

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out of Court.

(Pawan Kumar)
Court Master
(signed order is placed on the file)

(M.S. Negi)
Court Master