

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

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).11150/2005

(From the judgment and order dated 24/11/2003 in WP No. 3740/1984 of
The HIGH COURT OF ALLAHABAD, LUCKNOW BENCH, LUCKNOW)

M/S. U.P.RAJA KHAD EVAM AVASHYAK V.NIGAM

Petitioner(s)

VERSUS

GYANENDRA DUTT TRIVEDI

Respondent(s)

(With appln(s) for c/delay in filing SLP and prayer for interim relief and office
report)

Date: 02/02/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE C.K. THAKKER

HON'BLE MR. JUSTICE LOKESHWAR SINGH PANTA

For Petitioner(s)

Mr. Shiv P Pandey, Adv.

Mr. A.R. Mosoodi, Adv.

Mr. Raj Kumar Tanwar, Adv.

Ms. Rekha Pandey, Adv.

For Respondent(s)

Mr. Ranbir Singh Yadav, Adv.

Mr. Sumeer Kumar Shrivastava, Adv.

UPON hearing counsel the Court made the following

O R D E R

Delay condoned.

Leave granted.

The appeal is allowed in terms of the signed order.

All contentions of parties are kept open.

[Charanjeet Kaur]

Court Master

[Vinod Kulvi]

Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 441 OF 2007

(arising out of SLP(C) No. 11150 of 2005)

M/s. U.P. Raja Khad Evam Avashyak V
Nigam

.. Appellant(s)

Versus

Gyanendra Dutt Trivedi

.. Respondent(s)

O R D E R

Delay condoned.

Leave granted.

This appeal arises out of an order passed by the High Court
of Judicature at Allahabad.

It was the case of the appellant that numerous irregularities
had been committed by the respondent-employee. They included

financial irregularities also. An inquiry was held in which the respondent was found guilty and order of termination of services was passed against him. When the said order was challenged, the Labour Court by an order dated June 8, 1984, set aside the order of terminating the services of the workman and directed the appellant-Corporation to pay an amount of Rs. 3,000/- in lieu of reinstatement of the workman.

..2/-

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Being aggrieved by the said award, the respondent approached the High Court and the High Court, by the impugned order allowed the writ petition, set aside the order terminating the services of the respondent-workman and granted reinstatement with immediate effect. As regards payment of back wages, the matter was left for scrutiny of respondent No. 2, i.e., appellant herein and it was observed that if the workman would satisfy the Corporation that he had remained out of employment throughout the period from the date on which his services were terminated and was not engaged in any gainful employment, an appropriate order of payment of back wages or proportionate wages payable to him shall be passed. The said order is challenged in this appeal.

Learned counsel for the appellant submitted that when the matter was called out before the High Court, nobody could remain

present on behalf of the appellant herein, who was the respondent therein. The matter was of 1984 and the High Court disposed it of in 2003 ex-parte. It was, therefore, submitted that ends of justice would be met if the order of the High Court is set aside and the matter may be remitted to the High Court to decide the same in accordance with law.

..3/-

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Having heard learned counsel for the parties, it would be appropriate if we set aside the order passed by the High Court, particularly, when the matter was of 1984 and was disposed of in the year 2003, i.e., after about twenty years without hearing learned counsel for the Corporation. Accordingly, the order is set aside and the High Court is requested to expeditiously dispose of the matter, preferably within six months, in view of the fact that the termination was made before about three decades. The appeal is, accordingly, allowed.

Before parting, we may observe that all contentions of parties are kept open and we should not be understood to have observed anything on merits of the matter.

.....J

[C.K. THAKKER]

.....J

[LOKESHWAR SINGH PANTA]

NEW DELHI ,

FEBRUARY 02, 2007.