

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

CIVIL APPEAL NO.20 OF 2007

M/S. RAJESH MOTORS

Appellant (s)

VERSUS

OM PRAKASH SAINI & ORS.

Respondent(s)

[With prayer for interim relief and office report]

Date: 26/07/2007 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE TARUN CHATTERJEE
HON'BLE MR. JUSTICE B. SUDERSHAN REDDY

For Appellant (s) Mr. Pallav Shishodia, Adv.
 Mr. Hemant Sharma, Adv.
 Mr. D.N. Mishra, Adv.

For Respondent Mr. Wills Mathews, Adv.
Nos.1 & 2 Mr. M.K. Michael, Adv.

No.3-State Mr. Manish Kumar, Adv.
 Mr. Ansar Ahmad Chaudhary, Adv.

UPON hearing counsel the Court made the following
ORDER

The civil appeal is disposed of in terms of the signed order with no order as to
costs.

(Subhash Chander)
Court Master

(Phoolan Wati Arora)
Court Master

[Signed Order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.20 OF 2007

M/s. Rajesh Motors

.....Appellant

Versus

Om Prakash Saini & Ors.

.....Respondents

ORDER

This appeal is directed against the order dated 25th October 2005 passed by a Division Bench of the High Court of Rajasthan, Jaipur Bench, in D.B. Civil Special Appeal (Writ) No.708 of 1999 by which the Division Bench has affirmed the award passed by the Labour Court as also the order passed by a learned Single Judge of the High Court.

By the impugned award passed on 15th July 1994, the Labour Court had ordered that respondent nos.1 and 2 herein be reinstated in service in the Bikaner Branch of the appellant and also ordered payment of Rs.7500/- as back-wages to each one of them. The writ petition filed against the said award was dismissed.

We are informed by learned counsel for the appellant that upon closure of the Alwar Branch of the appellant-company, the respondent-employees were initially transferred to Bikaner Branch, but, they refused to go to the place of transfer. We are also informed that the Alwar Branch and the Bikaner Branch of the appellant-company have also closed down in the meantime.

-2-

That being the position, we feel that interest of justice would be served if some compensation in favour of respondent nos.1 and 2 is awarded. We, therefore, set aside the order of the Division Bench of the High Court, that of the learned Single Judge and the award of the Labour Court and award a sum of Rs.50,000/- each to respondent nos.1 and 2. The said amount shall be paid by the appellant-company within one month from today and in default of compliance of this order within the time stipulated, the award passed by the Labour Court as affirmed by the High Court shall stand automatically restored.

The appeal is disposed of accordingly with no order as to costs.

Sd/-
.....J.
[TARUN CHATTERJEE]

Sd/-
.....J.
[B. SUDERSHAN REDDY]

New Delhi.
July 26, 2007.