

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. 4750/1998

Kshetriya Shri Gandhi Ashram .. Appellant (s)

Vs.

State of UP & Ors. .. Respondent(s)

DATE : 8.11.2000 : This/These matter (s) was/were  
called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU  
HON'BLE MR. JUSTICE S.N. VARIAVA

For Appellant (s) : Mr. Vijay Bahuguna, sr. Adv.  
Mr. P.D. Sharma, Adv.

For Respondent (s) : Mr. Bharat Sangal, Adv.  
Mr. Anand Pandey, Adv.

UPON hearing counsel the Court made the following

O R D E R

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

The appeal is disposed of in terms of the signed  
order.

.SP1  
Charanjit [ Meena Trikha ]  
Court Master

[ Signed order is placed on the file ]

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4750/1998@@  
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Kshetriya Shri Gandhi Ashram .. Appellant

Vs.

State of UP & Ors. .. Respondent

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

This appeal arises out of an award made on Reference under Section 4 K of the U.P. Industrial Disputes Act and a writ petition affirming the same. The contesting respondents who are employees of the appellant were transferred from Meerut to Bulandshahar. They did not report to duty at the place to which they were transferred. The appellant held that they committed misconduct by refusing to obey the order of transfer in terms of Rule 29 of the Ashram Rules and took action to terminate their services. Thereafter, on a dispute being raised the Industrial Tribunal set aside the order of dismissal directing reinstatement with full back wages. This order stood upheld in the writ petition filed against the same. During pendency of these proceedings the appellant has in 1986 introduced a Rule to retire the employees on attaining the age of 60 years. Respondent No. 5 in fact died during the pendency of the proceedings. Bearing these two aspects in mind we think it appropriate to direct the appellant to pay  
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- 2 -

within a period of three months a lump sum of Rs. 1 lakh 10 thousand to each of the contesting respondents after deducting the amount if already paid by way of deposit in the High Court and its withdrawal, in lieu of claim for reinstatement and payment of back wages. The legal heirs of the deceased respondent no.5 shall be paid the said amount without insisting upon production of succession certificate. It is made clear that none of the employees will have any further claim in the matter in dispute in this case. The order of the High Court affirming the award of Tribunal shall stand modified accordingly. The appeal is disposed of in the aforesaid terms.

.SP1

.....J@@  
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[ S. RAJENDRA BABU ]@@  
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.....J@@  
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[ S.N. VARIAVA ]@@  
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New Delhi,@@  
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November 8, 2000@@  
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