pITEM NO. 37 COURT NO.7 SECTION XV

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).3019/2007

(From the judgement and order dated 20/11/2006 in LPA No. 163/2006 of The HIGH COURT OF JHARKHAND AT RANCHI)

EMPLOYERS MOONIDIN COAL WASHERY M/S BCCL Petitioner(s)

VERSUS

THEIR WORKMAN Respondent(s)

(With prayer for interim relief and office report)

Date: 18/12/2009 This Petition was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE D.K. JAIN
HON'BLE MR. JUSTICE T.S. THAKUR

For Petitioner(s) Mr. Anupam Lal Das,Adv.
Mr. Arpit Gupta, Adv.

For Respondent(s) Mr.Rajesh Kumar, Adv.
Mr. Dharam Bir Raj Vohra,Adv.

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

We have heard learned counsel for the parties.

Insofar as the direction regarding payment of back wages to the respondent at the rate of 50%, by the Industrial Tribunal, as affirmed by the High Court is concerned, in our view no interference is called for. However, as regards the direction for grant of employment on compassionate ground to the widow of the deceased employee, we find from the record that no such issue was referred to the Tribunal for adjudication. Therefore, the said direction by the Tribunal was beyond the scope of reference. That being so, the High Court erred in affirming the direction.

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Therefore while upholding the award of back wages to the respondent at the rate of 50% we set aside the direction with regard to the grant of compassionate employment.

Learned counsel for the respondent submits that the petitioner Organisation has framed a scheme for compassionate employment. If that be so, it will be open to the respondent to apply for employment under the Scheme. If such an application is filed within two months from today, the same shall be considered by the petitioner in accordance with the scheme, treating the same as having been filed within time under the Scheme.

The special leave petition stands disposed of.

[Usha Bhardwaj]
Court Master

[Pushap Lata Bhardwaj]
Court Master