

SLP(C)No. 8749 OF 2003
ITEM No.40

Court No.10

SECTION XIV
A/N MATTER

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.8749/2003

(From the judgement and order dated 01/11/2002 in CMA 1765/02 in LPA No.54
of 1998 of The HIGH COURT OF DELHI AT N. DELHI)

JAGPAL SINGH

Petitioner (s)

VERSUS

D.T.C. & ANR.

Respondent (s)

Date : 22/03/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL
HON'BLE DR. JUSTICE AR. LAKSHMANAN

For Petitioner (s) Mr. Jamshed Bey, Adv.
Mr. Parmanand Gaur, Adv.

For Respondent (s)
Mr. Shakil Ahmed Syed, Adv.

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

Leave granted.

The appeal is allowed in part, the impugned orders are modified and the appellant is granted back-wages to the tune of 50% in terms of the signed order.

(Sheetal Dhingra)(Kanwal Singh)
Court Master Court Master
[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No.1768 OF 2004
[Arising out of SLP(C) No.8749/2003]

Jagpal Singh ...Appellant (s)

Versus

D.T.C. & Anr. ...Respondent(s)

O R D E R

Heard the parties.

Leave granted.

The appellant was appointed as Driver in the year 1980 in the Delhi Transport Corporation (hereinafter referred to as 'the Corporation'). On 3rd March, 1993, the Corporation released a voluntary retirement scheme for Conductors, employed therein. By order dated 16th March, 1993, the said scheme was made applicable even to the Drivers who were working under the Corporation. In view of that decision taken by the Corporation, the appellant submitted his application on 26th March, 1993 for voluntary retirement but before the cut off date and any decision could be taken upon the aforesaid application filed by the appellant, he filed an application on 28th April, 1993 before the respondent-Corporation withdrawing his option for exercise of voluntary retirement scheme. In spite of the said withdrawal on 31st May, 1993, Depot Manager of the Corporation, respondent No.2 issued an order whereby the appellant was voluntarily retired. Challenging the said order, the appellant filed Writ Application before the High Court of Delhi. The Learned Single Judge allowed the Writ Application and quashed the order dated 31.5.1993 referred to above and ordered reinstatement. Thereupon two appeals were filed before the Division Bench - one by the Corporation and other by the appellant. The appeal filed by the Corporation was dismissed but so far appeal filed by the appellant is concerned, the same was partly allowed and the appellant was granted the relief for continuity in service but the prayer for back-wages was not granted. Thereafter, Review Petition filed by the appellant having been dismissed, he filed the present appeal by special leave.

Having heard the parties and perused the impugned orders, we are of the view that it was a fit case in which back-wages to the tune of 50% should have been allowed by the High Court. Accordingly, the appeal is allowed in part, the impugned orders are modified and the appellant is granted back-wages to the tune of 50% which must be paid to him within a period of two months from today. No costs.

.....J.
(B.N. AGRAWAL)

.....J.
(Dr. AR. LAKSHMANAN)
New Delhi
March 22, 2004.