

ITEM NO.118

COURT NO.2

SECTION XV

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

Civil Appeal No(s). 816-817/2014

PUNJAB EX-SERVICEMEN CORPN.THR.CH.CUM MD

Appellant(s)

VERSUS

HARINDER SINGH

Respondent(s)

(with appln. (s) for stay and interim relief and office report)

Date : 04/05/2016 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ANIL R. DAVE

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

For Appellant(s)

Mr. P.S. Patwalia, Sr.Adv.

Mr. Tushar Bakshi, Adv.

Ms. Naresh Bakshi,Adv.

Mr. Archit Upadhyay, Adv.

For Respondent(s)

Mr. Subhasish Bhowmick,Adv. (not present)

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

We have heard Mr. P.S. Patwalia, learned senior counsel
appearing for the appellant.

None has appeared on behalf of the respondent.

The appeals are disposed of as allowed in terms of the
signed non reportable judgment.

[SUKHBIR PAUL KAUR]
A.R. -CUM-P.S.

[SNEH BALA MEHRA]
ASSISTANT REGISTRAR

(Signed non-reportable judgment is placed on the file)

NON REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.816-817 OF 2014

PUNJAB EX-SERVICEMEN CORPORATION
THROUGH CHAIRMAN-CUM-MANAGING DIRECTOR

Appellant(s)

Versus

HARINDER SINGH

Respondent(s)

J U D G M E N T

ANIL R. DAVE, J.

1. We have heard Mr. P.S. Patwalia, learned senior counsel appearing for the appellant.
2. None has appeared on behalf of the respondent.
3. Case of the appellant is that the respondent was working as a Denter at the Automobile Workshop set up at Mohali, a unit of the appellant, which had been closed down on 2nd August, 1999. As the said unit had been closed down, the service of the respondent had

came to an end. It was the case of the appellant that the respondent was given appointment for a limited period of one year and the said appointment was renewed from time to time and the last extension came to an end on 13th May, 1999.

4. Being aggrieved by the termination, the respondent approached the Industrial Tribunal, Punjab, Chandigarh.

5. By an Award dated 26th October, 1999 passed by the Presiding Officer, Industrial Tribunal, Punjab, Chandigarh, the respondent was directed to be reinstated in service with the benefit of continuity of service and full back wages. The said Award was challenged before the High Court. The High Court dismissed the petition and therefore, the present appeal.

6. In view of the fact that the unit where the respondent was working has already been closed down and the respondent was given the appointment for a limited period and sufficient material is available to show that the respondent had started his own workshop and

was doing denting work, the impugned order(s) passed by the High Court are not justified.

7. The order(s) passed by the learned Single Judge and upheld by the Division Bench are set aside.

8. It has been brought to our notice that similarly situated person namely; Shri P.S. Sohal, covered by the same Award, was paid a sum of Rs.3 lacs (rupees three lacs only) by way of compensation in lieu of re-instatement and backwages.

9. We think it just and proper to pay a sum of Rs.2,50,000/- (rupees two lacs fifty thousand only) to the respondent.

10. It has been submitted by the learned counsel appearing for the appellant that a sum of Rs.5,00,000/- (rupees five lacs) has been deposited with the Registry of this Court which has been invested in the Fixed Deposit with UCO Bank, Supreme Court Compound Branch. The Registry is directed to encash the said deposit and out of the said amount, a sum of Rs.2,50,000/- (rupees

two lacs fifty thousand only) shall be forwarded to the respondent at his address by speed post, by way of a demand draft.

11. The rest of the amount, along with interest thereon, shall be returned to the appellant by way of a demand draft.

12. The appeals are, accordingly, disposed of as allowed.

.....J.
(ANIL R. DAVE)

.....J.
(ADARSH KUMAR GOEL)

New Delhi,
May 04, 2016