

0#ITEM NO.1

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

CIVIL APPEAL NO(s). 17 OF 2007

G.M., NTPC, RAI BAREILI & ANR.

Appellant (s)

VERSUS

SATYA NARAIN PAL & ANR.

Respondent(s)

(With appln(s) for permission to file rejoinder affidavit and office report)

Date: 16/03/2010 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU
HON'BLE MR. JUSTICE A.K. PATNAIK

For Appellant(s) Dr. Rajeev Dhawan, Sr. Adv.
Mr. S.K. Dhingra, Adv.
Ms. Shefali Mitra, Adv.

For Respondent(s) Mr. Pradeep Misra, Adv.

Respondent-In-Person

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

The Appeal is allowed in terms of the signed order.
No costs.

(Parveen Kr. Chawla)
Court Master

(Indu Satija)
Court Master

[Signed Order is placed on the File]
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.17 OF 2007

G.M., NTPC, Rai Bareili & Another

..Appellants

versus

Satya Narain Pal & Another

..Respondents

O R D E R

Heard learned counsel for the parties and also the
respondent-employee who has appeared in person.

This Appeal has been filed against the impugned judgment of the Allahabad High Court dated 15th December, 2005 passed in Writ Petition No.6780 of 1992.

Brief facts of the case are that the service of the respondent-employee was terminated by the appellant which was the employer and a reference was made to the Labour Court which by its award dated 19th September, 1986 quashed the termination order and ordered reinstatement of the respondent-employee. The said award was affirmed by the High Court vide judgment and order dated 15th October, 1990 in Writ Petition No. 3106 of 1987. The appellants have implemented the said award vide order dated 20th July, 1991. However, the respondent-employee was dissatisfied with the implementation and though he joined the duties, he moved an application before the Deputy Labour Commissioner claiming that he should be treated as Junior Engineer(Supervisor Technical Grade-II). That application was rejected by the Deputy Labour Commissioner by his order dated 29th May,

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1992. Against the rejection of that application, a writ petition was filed before the Allahabad High Court which has been allowed by the impugned order. Hence, this appeal.

The High Court has said that in the application of the employee, it was clearly stated that he should be reinstated as Supervisor, Grade-II. Merely on the basis of that statement in the employee's application, the High Court has directed that he shall be treated as Supervisor Grade-II. We do not agree with the view of the High Court.

We repeatedly asked the respondent-employee had he received any appointment letter from the employer stating that he was appointed as Supervisor or Junior Engineer, Grade-II and if so, produce the same before the Court. However, he did not produce any such appointment letter. Consequently, we cannot sustain the impugned order of the

High Court and we hereby set it aside.

The Appeal is allowed accordingly. No costs.

However, respondent-employee is put at liberty to raise an industrial dispute that he was a Supervisor or Junior Engineer, Grade-II, if so advised, and if he does so, the same shall be decided by the competent Court/Tribunal on its own merits in accordance with law, expeditiously.

.....J.
[MARKANDEY KATJU]

NEW DELHI;J.
MARCH 16, 2010 [A.K. PATNIAK]