

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5686/2023  
(@Special Leave to Appeal (C) No.10571/2021)

RAM KRISHNA RAM

Appellant(s)

VERSUS

B. L. RUIA (MULTIPURPOSE) HIGH SCHOOL & ANR.

Respondent(s)

O R D E R

1. Leave granted.

2. The appellant's complaint is that he was arbitrarily terminated from service after he was confirmed in service in the year 1970. He was initially appointed on probation in the year 1969. the appellant was initially issued with a suspension order on 16-03-1974. Soon thereafter, the appellant was terminated from service on 18-03-1974. He, therefore, approached the civil court for relief. The civil court dismissed his suit for declaration on 07-12-1988. In these circumstances, the appellant approached the High Court which negated his challenge.

3. The Rule invoked by the respondent, to terminate the appellant in this case, reads as follows:-

Rule – 13

The services of a permanent teachers may be terminated by the Management without assigning any reasons on giving 12 months' salary (i.e. pay and allowances, if any) to the teacher if he has been, in the service of the School for ten years or more and 6 month's salary (Pay and Allowances, if any), if he has been in the service of the School for less than ten years.

The Management shall immediately inform the Department of the action regarding the discharge of any payment made to such a teacher.

4. It is apparent that rule – contained in grand in aid virtually arms the respondent – State whimsical and entirely arbitrary power in dispensing with the services of confirmed or permanent employee. Such a norm has been held unlawful by this Court in a long line of judgments such as (State Bank of India vs. N. Sundara Money) (1976) 1 SCC 822 & (Delhi Transport Corporation vs. DTC Mazdoor Congress) (1990 Supp. 1 SCR 142). The Court has also held that such conditions in contracts are unenforceable as they are unconscionable and contrary to public policy (Central Inland Water Transport Authority vs. Brojo Nath Ganguly) (1986) 2 SCR 278.

5. Having regard to this settled position in law, in the opinion of this Court, Rule 13 could not have been invoked fairly by a public employer, especially receiving Government aid.

6. In these circumstances and having regard to the facts, the appellant is undoubtedly entitled to relief. It was submitted that the appellant attained the age of superannuation long back and is now about 80 years old. In such circumstances, the next question would be what relief would be appropriate for the appellant.

7. Having regard to the totality of the circumstances, the respondents are hereby directed to calculate the appellant's back wages @ 40% till date of appellant's superannuation and also ensure that all terminal benefits are calculated on the basis of his notional continuity in service, including gratuity, notional

increments and fixing the last salary drawn, for pension purposes based on such increase (notionally) of salary and all consequential benefits. These amounts shall be worked-out through appropriate calculations within eight weeks from today. The appellant's pension shall be fixed within that time-frame. All the amounts in aggregate shall be paid to the appellant within twelve weeks. It is open to the respondents – school to recover the amount from the State Government in case of any shortfall. The State Government is directed to do whatever is necessary to be done in this regard.

8. The appeal is allowed in the above-terms.

.....J  
(S.RAVINDRA BHAT)

.....J  
(ARAVIND KUMAR)

NEW DELHI  
5TH SEPTEMBER, 2023.

ITEM NO.39

COURT NO.5

SECTION IX

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

Petition for Special Leave to Appeal (C) No.10571/2021

(Arising out of impugned final judgment and order dated 13-01-2021 in FA No. 1025/1989 passed by the High Court of Judicature at Bombay)

RAM KRISHNA RAM

Petitioner(s)

VERSUS

B. L. RUIA (MULTIPURPOSE) HIGH SCHOOL &amp; ANR.

Respondent(s)

(IA No. 80699/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT & IA No. 166610/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 05-09-2023 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE ARAVIND KUMAR

For Petitioner(s)

Dr. Uday Warunjikar, Adv.

Mr. Pravartak Suhas Pathak, AOR

For Respondent(s)

Mr. Kaustav Paul, Sr. Adv.

Mr. Rishi Matoliya, AOR

Mr. Nikhil Kumar Singh, Adv.

Mr. Raghuveer Pujari, Adv.

Mr. Pavan Sharma, Adv.

Ms. Sumati Sharma, Adv.

Mr. Achal Singh Bulde, Adv.

Mr. Mahendra Singh, Adv.

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

1. Exemption Application is allowed.
2. Leave granted.
3. The appeal is allowed, in terms of the signed order.

4. Pending application also stands disposed of.

(VISHAL ANAND)  
ASTT. REGISTRAR-cum-PS

(BEENA JOLLY)  
COURT MASTER (NSH)

(Signed Order is placed on the file)