

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(s). 4964 OF 2016

THE PERSONAL MANAGER, CWC AND ORS.

Appellant(s)

VERSUS

MATHEW V.J.

Respondent(s)

O R D E R

After hearing learned counsel on either side, we are of the opinion that the judgment under appeal does not call for any interference.

The matter pertains to the voluntary retirement of the respondent from the service of the Central Warehousing Corporation. The Central Warehousing Corporation is the employer. There was a voluntary retirement scheme propounded by the employer in the year 1998 which was availed by the respondent subject to the condition that his past service with the Indian Army be counted towards the qualifying service for the purpose of determining the benefits under the scheme. Without going into further details, it must be stated that at some stage, the appellants accepted the voluntary retirement offer made by the respondent without conceding his claim for giving credit to his previous service under the Indian Army. The appellants also made payment of an amount of Rs. 2,03,604/- (Rupees two lakhs three thousand six hundred and four only) as amount due under the voluntary retirement scheme.

Aggrieved by the same, the respondent litigated. A learned Single Judge of the Kerala High Court held in favour of the appellants but the respondent succeeded in the intra Court appeal and hence the instant appeal.

The operative portion of the order of the judgment under appeal reads as follows:-

"In the above view of the matter, we hold that the appellant was entitled to succeed in the writ petition to the extent of reinstatement in service. Since the appellant had been relieved from service on 23.06.1998 and had not rendered service thereafter, though he was actively prosecuting the original petition before this Court, we do not deem it a fit case to order reinstatement with backwages. The petitioner will however be entitled to payment of an amount of Rs. 2,00,000/- (Rupees two lakhs only) towards part of the monetary equivalent of the service benefits to which he would have been entitled had he continued in service. The period from 23.06.1998 to the date of his reinstatement in terms of this judgment shall not be reckoned as towards qualifying service. Appellant shall be reinstated in service within a period of three months from the date of receipt of a copy of the judgment. The amounts as directed above shall be paid to the appellant within three months from the date of receipt of a copy of this judgment, failing which the appellant will be entitled to recover the same with future interest at 9% per annum, as if this judgment were a decree of a civil court of competent jurisdiction. The impugned judgment in the writ petition is vacated and the writ appeal and the writ petition are ordered as above."

In other words, the Court directed that the respondent be given a consolidated amount of Rs. 2 lakhs (Rupees two lakhs only) for the period between 23rd June, 1998 to the date of the judgment i.e. 22nd December, 2015 with a further direction that the respondent be reinstated in the service. Admittedly, the respondent is due to retire on 31st August, 2016.

The difference in terms of the amount of money, if the judgment under appeal is not disturbed, we are told would be very nominal. We are informed that it would be less than a lakh of rupees.

In the circumstances, having regard to the fact the respondent is only working as a Chowkidar, we do not see any reason to interfere with the judgment under appeal and the same is, therefore, dismissed. However, we observe that at the time of computing the retiral benefits of the respondent pursuant to his superannuation on 31st August, 2016, the amount already paid would be deducted from the total amount due and payable to the respondent on such superannuation.

Pending applications, if any, stand disposed of.

.....J.
(J. CHELAMESWAR)

.....J.
(ABHAY MANOHAR SAPRE)

NEW DELHI
AUGUST 24, 2016.

ITEM NO.3

COURT NO.5

SECTION XIA

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). 4964/2016

THE PERSONAL MANAGER, CWC AND ORS.

Appellant(s)

VERSUS

MATHEW V.J.

Respondent(s)

(With appln(s) for vacating stay and office report)

Date : 24/08/2016 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J. CHELAMESWAR
HON'BLE MR. JUSTICE ABHAY MANOHAR SAPRE

For Appellant(s) Mr. K.K. Tyagi, Adv.
 Mr. Iftexhar Ahmad, Adv.
 Mr. Sarvam Ritam Khare, Adv.

For Respondent(s) Mr. Basant R., Sr. Adv.
 Mr. Sriram P., Adv.
 Mr. Vishnu Shankar M.S., Adv.
 Ms. Athira G. Nair, Adv.
 Mr. Ankur S. Kulkarni, Adv.

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

The appeal is dismissed in terms of the signed order.

Pending applications, if any, stand disposed of.

(DEEPAK MANSUKHANI)
COURT MASTER

(SUMAN JAIN)
COURT MASTER

(Signed order is placed on the file)