

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2712 OF 2001 @@
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Chief Conservator of Forest & Anr.

Appellant (s)

versus

Rahmat Ullah

Respondent (s)

O R D E R@@
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.SP2

The Chief Conservator of Forest, U.P. and Ors. are appellants before us. The respondent, Rahmat Ullah was engaged as 'Mali' with effect from 15.11.1987. He was appointed on daily wages and it is alleged that his services were terminated w.e.f. 1.3.1990. The matter came before the Industrial Tribunal by a reference and the appellants herein contended that the respondent was appointed on daily wages under a scheme of the Social Forestry Department and the target under the scheme having been achieved his services were terminated. The Tribunal held that the contention raised by the Department was not correct and the allegation of the respondent that one Shri Zafuddin Ansari was appointed in the vacancy arisen on the removal of the respondent and this averment raised by the respondent was not challenged. In the counter filed by the appellant and in that view of the ...2/-

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matter, the Tribunal held that the termination was illegal and the respondent herein was liable to be reinstated with full back wages. That order was challenged before the High Court and the High Court upheld it.

We heard learned counsel for the appellant as well as the respondent. Notice was issued by this Court confining to the direction to pay full back wages to the respondent. The counsel for the appellant contended that the respondent was out of service for long period and the appellant has to pay huge amount as backwages. The counsel for the respondent, on the other hand, contended that inspite of the order passed by the Industrial Tribunal, respondent was not reinstated and the appellant is liable to pay full back wages.

The respondent was out of service since 1990. As he was ordinary worker, he must have been working elsewhere to earn his livelihood. There is no material to show that he was not gainfully employed. Accordingly, we order that the appellant-department to pay 50% of the back wages. We, therefore, direct that the respondent shall be reinstated

within a period of one month and the back wages as directed
...3/-

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above, shall be paid within a period of two months from today.

The appeal is disposed of accordingly.

.SP1

.....J
(K.G.Balakrishnan)

New Delhi,
January 14, 2003.

.....J
(P.Venkatarama Reddi)

.PA

ITEM No.102

Court No.11

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. 2712/2001

Chief Conservator of Forest & Anr.

Appellant (s)

VERSUS

Rahmat Ullah

Respondent (s)

(With Office Report)

Date : 14/01/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.G. BALAKRISHNAN
HON'BLE MR. JUSTICE P. VENKATARAM REDDI

For Petitioner (s)

Mr. Ajay K. Agrawal, Adv.
Ms. Alka Agrawal, Adv.
Mr. Y.P. Singh, Adv.
Mr. C. Siddharth, Adv.

For Respondent (s)

Mr. Shakil Ahmed Syed, Adv.

UPON hearing counsel the Court made the following

O R D E R

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Heard learned counsel for the parties. Appeal is disposed of in terms of signed order.

.SP1

(Saroj Bala)
PA to Addl. Registrar

(K.K. Chadha)
Court Master

(The signed order is placed on the file.)