

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.3648 OF 2011

KISAN SAHKARI CHINI MILLS LTD., U.P. APPELLANT(S)

VERSUS

MOHAR SINGH RESPONDENT(S)

WITH

CIVIL APPEAL NO(S). 3649 OF 2011

CIVIL APPEAL NO(S). 3650 OF 2011

CIVIL APPEAL NO(S). 3651 OF 2011

CIVIL APPEAL NO(S). 3652 OF 2011

CIVIL APPEAL NO(S). 3653 OF 2011

CIVIL APPEAL NO(S). 3654 OF 2011

Signature Not Verified

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NEETU KHAJURIA
Date: 2015.02.21

CIVIL APPEAL NO(S). 3655 OF 2011

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Reason:

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CIVIL APPEAL NO(S). 3656 OF 2011

CIVIL APPEAL NO(S). 3657 OF 2011

CIVIL APPEAL NO(S). 3658 OF 2011

CIVIL APPEAL NO(S). 3659 OF 2011

CIVIL APPEAL NO(S). 3660 OF 2011

O R D E R

1. These appeals are directed against common judgment and order passed by the High Court of Allahabad in Civil Miscellaneous Writ Petition No. 26553 of 2002 and connected matters, dated 12.01.2006, whereby and whereunder, the High Court has dismissed the writ petitions filed by the appellant-Society and upheld the order passed by the Labour Court directing reinstatement of the respondent-workmen.

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2. The lis in this batch of appeals pertains to validity of termination of the services of respondent-workmen by the appellant-Corporation.

3. The facts in brief are: the respondent-workmen were engaged as the daily wagers on temporary basis in the appellant-Society. By an order dated 26.04.1988, the respondents were appointed as the seasonal employees. The respondents continued to work at the appellant-Society until their services were terminated in November, 1988. Since neither was a charge-sheet drawn by the appellant-Society nor was any retrenchment compensation paid, the respondents challenged the said termination of services before the Labour Court.

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4. The appellant-Society had contended before the Labour Court that since (a) the

respondent-workmen had only acquired the status of seasonal employees by virtue of the order dated 26.04.1988 and (b) the work carried out by them was time-bound, thus ending with the expiry of time of the work they were engaged, the respondent-workmen were not employees in regular service.

5. The Labour Court relying upon the statement of the General Manager who had issued the aforesaid order dated 26.04.1988, conferring the status of seasonal employees, had recorded the finding that the workmen were employed by the appellant-Society for several years and were appointed by virtue of the aforesaid order and therefore, concluded that the termination of services of the respondents was illegal and directed their reinstatement

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with full back wages, by order dated 10.10.1996.

6. Aggrieved by the aforesaid, the appellant-Society had approached the Writ Court. The Writ Court had allowed the said writ petition and remanded the matter to the Labour Court for de novo consideration.

7. The Labour Court, in the de novo proceedings, has concluded that the workmen had acquired seasonal status and held that the termination of services of the respondent-workmen was illegal and thus, directed the appellant-Society to reinstate them with half of the back wages, by order dated 03.06.2003.

8. The appellant-Society aggrieved by the aforesaid order had approached the High Court by way of a writ petition.

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9. The High Court has observed that the Labour Court has duly appreciated the evidence of witnesses examined before it and no ground for interference with the order of Labour Court could be made out by the appellant-Society and therefore, dismissed the writ petition filed by the appellant-Society.

10. The appellant-Society has questioned the aforesaid judgment and order passed by the High Court before us in these appeals.

11. We have heard learned counsel for the parties to the lis and perused the record of the appeals.

12. In our considered view, the judgment and order passed by the High Court is well reasoned and well considered. The High Court, after careful consideration of the factual

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matrix, the documents produced before it and the submissions of both the parties, has concluded that the order conferring status of seasonal employees was a valid order as the power of appointment of workmen in sugar cane industry is governed by Standing Orders where Clause (ii) of Part B includes seasonal workmen and therefore, thought it fit to direct reinstatement of and payment of back

wages to the respondent-workmen.

13. In that view of the matter, we are not inclined to interfere with the judgment and order passed by the High Court.

C.A. Nos.3648, 3650, 3652, 3653, 3654, 3655,
3656, 3658, 3659 and 3660 of 2011

14. Insofar respondents in these appeals are concerned, we direct the appellant-Society to reinstate them within a week's time from the date of receipt of a copy of this order

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and the respondents are entitled for continuity of service and other service benefits. Insofar as back-wages are concerned, we quantify the same to a sum of Rs.2,00,000/- in full and final payment for each one of the respondents, in equal installment, to be payable by the appellant-Society. The first installment shall be paid within one month from the date of a receipt of a copy of this order and the second installment shall be paid within two months thereafter.

C.A.No.3649, 3651 and 3657 of 2011

15. It is stated that during the pendency of these appeals, some of the respondents herein, on attaining the age of superannuation, have retired from service, and some of them have expired. Since, they cannot

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be reinstated in service now, we direct the appellant-society herein to pay a lump sum

amount of Rs.3,00,000/- to each of the employees or their legal representatives towards wages, within two months from today.

16. With these observations, all the appeals are disposed of.

Ordered accordingly.

.....CJI.
(H.L. DATTU)

.....J.
(A.K. SIKRI)

.....J.
(ARUN MISHRA)

NEW DELHI;
FEBRUARY 17, 2015.

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ITEM NO.6 COURT NO.1 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). 3648 of 2011

KISAN SAHKARI CHINI MILLS LTD., U.P. Appellant(s)

VERSUS

MOHAR SINGH Respondent(s)

(With appln.(s) for directions)

WITH
C.A. No. 3649/2011
(With prayer for interim relief)

C.A. No. 3650/2011
(With prayer for interim relief and Office Report)

C.A. No. 3651/2011
(With prayer for interim relief and Office Report)

C.A. No. 3652/2011
(With prayer for interim relief and Office Report)

C.A. No. 3653/2011
(With prayer for interim relief and Office Report)

C.A. No. 3654/2011
(With prayer for interim relief and Office Report)

C.A. No. 3655/2011
(With prayer for interim relief and Office Report)

C.A. No. 3656/2011
(With prayer for interim relief and Office Report)

C.A. No. 3657/2011
(With prayer for interim relief and Office Report)

C.A. No. 3658/2011
(With prayer for interim relief and Office Report)

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C.A. No. 3659/2011
(With Office Report)

C.A. No. 3660/2011
(With prayer for interim relief and Office Report)

Date: 17/02/2015 These appeals were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MR. JUSTICE ARUN MISHRA

For Appellant(s) Mr. Vishwajit Singh, Adv.
Mr. Abhindra Maheshwari, Adv.
Mr. Pankaj Singh, Adv.
Ms. Ridhima Singh, Adv.
Mr. Gaurav Singh, Adv.
Ms. Veena Kaul Singh, Adv.

For Respondent(s) Ms. Radhika Gautam, Adv.
For Mr. E. C. Agrawala, Adv.
Mr. Kamalendra Mishra, Adv.

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

Civil appeals are disposed of in terms of
the signed order.

Pending application(s), if any, stand
disposed of.

(Neetu Khajuria)
Sr.P.A.

(Vinod Kulvi)
Assisant Registrar

(Signed order is placed on the file.)