

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).8642-8643/2014

RAJESH (DEAD) THROUGH LRS

APPELLANT(S)

VERSUS

UTTARIYA RAJASTHANI SAHAKARI
DUGDH UTPADAK SANGH LTD. & ANR.

RESPONDENT(S)

Date : 11-09-2025 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KAROL
HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

For Appellant(s) :

Mr. K. Paari Vendhan, AOR
Mr. Rishabh Sancheti, Adv.
Ms. Padma Priya, Adv.
Mr. Armaan Arora, Adv.

For Respondent(s) :

Mr. Abhijeet Singh, Adv.
Mr. Anirudh Singh, Adv.
Ms. Chitragda Rastravara, Adv.
Mr. Aishwary Mishra, Adv.
Mr. Dhananjai Shekhwat, Adv.
Ms. Anjali Saxena, Adv.
Ms. Sakshi Aggarwal, Adv.
Mr. Dashrath Singh, Adv.
Mr. Gp. Capt. Karan Singh Bhati, AORUpon hearing the counsel the Court made the following
O R D E R

1. Certain facts are not in dispute. The appellant was appointed with respondent no.1/Uttariya Rajasthan Sahakari Dugdh Utpadak Sangh Ltd. as Chowkidar on 01.08.1986. His services were terminated vide Office Order dated 17.11.1987.

2. However, in terms of the award dated 07.08.1995 passed by the Labour Court, Bikaner, Rajasthan (for short, "the

Labour Court") in Matter No.43 of 1990, the order of dismissal was set aside holding that the appellant is entitled to salary and benefits for the period between his dismissal and reinstatement in service.

3. The operative portion of the award dated 07.08.1995 passed by the Labour Court reads as under:

"11. That dismissal of Chowkidar Sri Rajesh S/O Sardararam being represented by Urmul Dairy Workers Union Bikaner Division by the security officer was not legal and justified and the order for the dismissal by the respondent is liable to be set aside. It is hereby ordered that the petitioner must be paid total salary and benefits of the period between his dismissal and his reinstatement into service. A copy this decision be forwarded to the State government under section 7 of Industrial Disputes Act, 1947."

4. The respondents herein assailed the said award, which stands modified by the High Court in terms of the impugned judgment and order dated 23.03.2011 in D.B. Civil Special Appeal (Writ) No.535/2009 as follows:

"11. Learned counsel for the appellant, however, then offered to pay 25% of back wages notwithstanding the reversal of the finding. We appreciate the gesture and accordingly direct that appellant shall pay 25% of the total back wages payable to the respondent. Let the total back wages be worked out/determined on the basis of his last drawn salary and then 25% of the determined sum be paid to the respondent (workman) within a period of three months from today. Needless to observe that, since we have upheld the direction regarding reinstatement, the respondent No. 1 be allowed to be reinstated, if not so far joined."

5. It is the appellant's claim that the High Court ought

not to have reduced the back wages.

6. It is not in dispute that the original petitioner has since expired. Nonetheless, the amount has to be paid to the legal representative(s).

7. It is unclear as to what amount stands paid to the original petitioner either in terms of the award passed by the Tribunal or in terms of the impugned judgment.

8. Let an affidavit disclosing payments made to the original petitioner/legal representative(s) and the amount which the original petitioner was otherwise entitled to in terms of pay fixation, be filed within one week from today, failing which, the Managing Director of Uttariya Rajasthan Sahakari Dugdh Utpadak Sangh Ltd. shall personally remain present before this Court, on the next date of listing.

9. Rejoinder thereto, if any, be filed before the next date of listing.

10. List on 08.10.2025.

(D. NAVEEN)
COURT MASTER (SH)

(ANU BHALLA)
COURT MASTER (NSH)