

SLP(C)No. 16693 OF 2000
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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5977 .OF 2002@@
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(Arising out of SLP(C) No.16693/2002)

Mahendra Singh Tyagi .. Appellant

Vs.

U.P. State Electricity Board & Anr. .. Respondents

WITH
C.A.No.5978 /2002 (@ SLP(C).18675...CC 7300/2002)

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Leave granted.

The High Court while disposing of a Writ petition filed by the appellant held that the appellant is entitled to reinstatement, but, however, since he has attained the age of superannuation his reinstatement would not arise and further held that the appellant will not be entitled to back wages but will be entitled to the benefit of pension and other pensionary benefits treating him as retired on attaining the age of superannuation.

Insofar as the challenge to this order by the respondents is concerned the same was dismissed by this Court on 7.8.2000 in SLP(C) No.11511/2000.

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The appellant is aggrieved by that part of the order by which the High Court has not granted him back wages. There is no reason mentioned in the course of the order as to why the back wages have been denied. The ground upon which the High Court had allowed the petition is that the order of removal passed by the respondents suffers from illegality on account of the fact that he was not given appropriate opportunity to defend himself and he was not furnished with the copies of the documents which were relied upon by the department. The reasons for allowing the writ petition though technical in nature would not disentitle the appellant for grant of back wages in toto. However, considering the entire facts and circumstances and bearing in mind the fact that the appellant had been too often absent from his work, it is appropriate to grant him a consolidated sum of Rs.5 lacs in terms of back wages and the other part of the order of the High Court shall remain undisturbed. The order passed by the High Court is modified accordingly. The appeal arising out of SLP(C) 16693/2000 is allowed to this extent.

In the connected appeal (@ Special leave petition(C)18675 CC.7300/2000) filed against the order in

M/s Jain Hansaria & Co.,Adv.

UPON hearing counsel the Court made the following
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Learned senior advocate/learned counsel made their submissions from 12.10 p.m. to 12.25 p.m.

The appeal arising out of SLP(C) No.16693/200 is allowed to the extent as stated in the signed order.

The appeal arising out of SLP(C)No..18675...CC..7300/2000 is disposed of in terms of the signed order.

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(Meenu Sethi)
Court Master

(Om Prakash)
Court Master

Signed order is placed on the file