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C.A.No. 6615 OF 1997  
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.6615 OF 1997

Chairman-cum-MD, M/s Central      Appellant (s)  
Coalfield LT

Versus

Jogendra Singh (dead) & Ors.      Respondent (s)

O R D E R

Delay condoned.

Application for substitution is allowed.

The dispute as to date of birth of the respondent-workman (deceased) led to his filing a Suit for declaration claiming that his actual date of birth was 1st October, 1935 and not 1st October, 1925, as recorded in the service record by the employer. Besides declaration as to date of birth in the Suit, further relief of reinstatement and back wages was also claimed. The trial court granted both the reliefs. In the High Court it was contended on behalf of the appellant that the relief of reinstatement and back wages could be claimed only before the Labour court/Industrial Court under the Industrial Disputes Act and the Civil Court had no jurisdiction to grant that relief. The jurisdiction of the Civil Court to grant declaration as to date of birth was not, however, disputed. The High Court, by the impugned judgment, rejecting the contention as to jurisdiction, dismissed the appeal.

The question as to whether the Civil Court has jurisdiction to grant reinstatement and back wages, on the facts of the present case, is only academic. We, thus, decline to go into that academic question and leave it open. In this view, the appeal is dismissed leaving the parties to bear their own costs. The decretal amount, if no part paid, shall be paid within a period of 8 weeks.

.....J  
(Y.K. Sabharwal)

.....J  
(D.M. Dharmadhikari)

New Delhi,  
December 03, 2003

ITEM NO.101

COURT NO.5

SECTION XV

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

Civil Appeal No.6615 of 1997

Chairman-cum-MD, M/s Central Coalfield LtAppellant (s)

Versus

Jogendra Singh (dead) & Ors.

Respondent(s)

( With appln. for substitution & c/d in filing substitution appln.  
and with Office Report )

Dated: 03/12/2003: This appeal was called on for hearing today.

CORAM:

HON'BLE MR. JUSTICE Y.K. SABHARWAL  
HON'BLE MR. JUSTICE D.M. DHARMADHIKARI

For Appellant (s) Mr. Altaf Ahmed, ASG.  
Mr. Shrinivas R. Khalap, Adv.  
Ms. E. Venu Kumar, Adv.  
Mr. Anip Sachthey, Adv.

For Respondent (s) Mr. DN. Goburdhan, Adv.

UPON being mentioned, the Court made the following  
O R D E R  
Delay condoned.  
Application for substitution allowed.  
The appeal is dismissed. Parties to bear their own costs.

(S. Thapar) (V.P. Tyagi)  
PS to Registrar Court Master

The signed order is placed on the file.