

-ITEM NO.5

COURT NO.9 SECTION XV
S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

I.A. 19-23/2015 in Civil Appeal Nos. 5085-5089/2004
STATE OF U.P. Appellant(s)

VERSUS

PURAN SINGH & ORS. Respondent(s)
(for directions and office report)

Date : 23/08/2016 These applications were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE KURIAN JOSEPH

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

For Appellant(s) Mr. Rajesh Maurya , Adv.

Mr. Samar Vijay Singh, Adv.

For Respondent(s) Mr. G.V. Rao , Adv.

Mr. A.K. Upadhyay, Adv.

Mr. Devendra Singh, Adv.

UPON hearing the counsel the Court made the following

O R D E R

In the Award of the Labour Court dated 13 th April, 1992,

it has been ordered as follows:

â- S.... On the aforesaid discussion this industrial dispute is answered in this manner that the termination, by the employers, of the services of these four workmen with effect from 16.8.1986 is not proper and lawful. As I have considered hereinabove, the order of termination of their services has been held to be illegal, which will mean that they shall be deemed to be in continuous service and after having been re-employed with effect from 16.8.1986 itself and after having gained the continuity of service, they shall be entitled to get all the back-wages.â- \235

This part of the Award has not been disturbed by the High Court and what is disturbed is only the direction to prepare a scheme for declaring the workmen as appointed

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and thereafter, to obtain the desired sanction in respect of them and then to regularize and make them permanent.

In the additional affidavit dated 22 nd

August, 2016, it

is clearly and fairly stated that the Government had taken a decision that the persons working on daily wages in the Government Department, Government Undertaking, Corporations, Local Bodies, Development Authorities and District Panchayat continuously, etc. w.e.f. 31.03.1996 till 31.12.2001, should be regularized in their services.

The learned Counsel appearing for the State however, submits that pursuant to the Award, respondents-workmen were actually reinstated only in the year 2011 and, therefore, the Government Circular will not apply.

We are unable to appreciate the above submission in view of the deemed service declaration given by the Labour Court to the respondents-workmen.

In view of the Award of the Labour Court, the respondents-workmen have to be deemed to be in continuous service from 31.03.1996 till reinstatement in 2011. Hence, they are also entitled for regularization in terms of Government order referred to in the additional affidavit.

The learned counsel appearing for the State seeks a week's time to get further instruction on the above.

Post on 1 st

September, 2016.

(Rajni Mukhi) (Renu Diwan)

SR. P.A. ASSISTANT REGISTRAR

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