

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).1086/2007

(From the judgement and order dated 18/03/2005 in C. No. 87/2001 M.C.C. of  
The HIGH COURT OF M.P AT GWALIOR BENCH)

CANCER HOSPITAL & RESEARCH INSTITUTE

Petitioner(s)

VERSUS

RAJVEER SINGH

Respondent(s)

(With appln(s) for c/delay in filing SLP)

Date: 31/08/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHAN

HON'BLE MR. JUSTICE V.S. SIRPURKAR

For Petitioner(s) Mr. Bhupender Yadav, Adv.

Mr. S.S. Shamsbery, Adv.

Ms. Asha Kochhar, Adv.

Mr. R.C. Kohli, Adv.

For Respondent(s) Mr. Rajeev Sharma, Adv. for

Mr. Rupesh Kumar, Adv.

UPON hearing counsel the Court made the following

ORDER

Delay condoned.

Leave granted.

The appeal is allowed in terms of the signed order. No costs.

(J.S. Rawat)

(Kanwal Singh)

AR-cum-PS

Court Master

[Signed order is placed on the file].

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4012 of 2007

(Arising out of SLP(C) No. 1086 of 2007.

Cancer Hospital & Research Institute

Appellant(s)

Versus

Rajveer Singh

Respondent(s)

ORDER

1. Delay condoned.

2. Leave granted.

3. Respondent was appointed on 16th November, 1981 as a

Technician in the Cancer Hospital & Research Institute, Gwalior, the appellant herein. Pursuant to certain allegations against the respondent, he was charge-sheeted on 8th November, 1985 and disciplinary proceedings were initiated. In the said proceedings, the respondent was found guilty of the charge levelled against him. Consequently, his services were terminated on 14th June, 1986, aggrieved against which the respondent raised an industrial dispute and reference was made to the Industrial Court for adjudication.

4. The Labour Court came to the conclusion that the disciplinary proceedings conducted were fair and proper and ordered reinstatement of the respondent-workman without back-wages.

5. Being aggrieved against the order of the Labour Court, the appellant filed Writ Petition No. 324/1997 in the High Court of Madhya Pradesh, Gwalior Bench.

6. The learned Single Judge accepted the writ petition. In the given facts and circumstances of the case, it was held that it would not be proper to reinstate the workman as the management had lost confidence in him. In lieu of reinstatement the appellant was directed to pay a sum of Rs.2 Lacs to the respondent-workman within one month, failing which the respondent-workman was liable to reinstatement. The relevant portion of the order is extracted below:

"It is, therefore, directed that the petitioner shall pay compensation of Rs. Two lacs to the respondent No.1 Rajveer Singh. On payment of compensation of Rs. Two lacs, the order of reinstatement of respondent No.1 shall stand set aside. It is made clear that if the petitioner does not pay compensation of Rs. two lacs to the respondent No.1 Rajveer Singh within a period of one month, then the respondent No.1 Rajveer Singh shall be liable for reinstatement and grant of back wages from the date of his reinstatement."

7. On 30th November, 1999, the appellant applied for the certified copy of the aforesaid order dated 27 th November, 1999. The same was made available to the appellant on 10th of December, 1999. After receipt of the certified copy of the order, the appellant paid the sum of Rs. 2 lakhs by way of a cheque issued in favour of the Respondent, which was duly encashed by the respondent on 10 th January, 2000. Thus, there was a delay of ten days in the compliance of the conditional order passed by

the High Court.

8. The appellant filed an application being Case No. 87/2001 M.C.C. in the High Court for condonation of delay in complying with the Order dated 27th November, 1999 passed by the High Court. The application has been dismissed by the impugned order on the ground that the appellant had failed to pay the amount to the respondent in compliance with the conditional order passed by the High Court on 27th November, 1999; that the amount was tendered by the appellant beyond the period of one month i.e. on 6th January, 2000; and that it was not a fit case to extend the time for depositing the amount in compliance with the aforesaid order. Aggrieved against the dismissal of the application for condonation of delay, the present appeal has been filed.

9. We have heard the counsel for the parties.

10. Having regard to the facts and circumstances of the instant case and the explanation offered by the appellant for a minor delay in compliance with the conditional order passed by the High Court, in our opinion, it was a fit case for condonation of delay in complying with the conditional Order dt. 27th November, 1999 passed by the High Court. Accordingly, the impugned order is set aside and the delay in question is condoned.

11. The appeal stands allowed accordingly. No costs.

.....J.  
(ASHOK BHAN)

New Delhi;  
August 31, 2007.

.....J.  
(V.S. SIRPURKAR)