

HSLP(C) 17595/2012

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.2351 OF 2017
(Arising out of S.L.P.(C) No.17595 of 2012)
The Management of M/s. Binny Appellant(s)
Limited and Another

Versus

Mr. J. Joel Kirubakaran Respondent(s)

O R D E R

Leave granted.

Heard Mr. K.K. Mani, learned counsel for the appellant and Ms. Srishti Govil, learned counsel for the respondent.

This appeal has been filed challenging the judgment and order passed by the High Court of Karnataka at Bangalore in R.F.A. No.208 of 2005. By virtue of the judgment and decree passed by the courts below, the respondent has been directed to get Rs.3,50,000/- from the appellant along with the benefit of reinstatement. We have been apprised that the respondent, in the meantime, has become a septuagenarian and the mill is closed.

Regard being had to the totality of the circumstances, we are inclined to modify the judgment and

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order passed by the High Court that has affirmed the judgment and decree of the trial court, to the effect that the appellant-Management shall pay a sum of Rs.8,00,000/- (Rupees eight lakhs only) to the respondent which would tantamount to full and final settlement of all dues excluding the bonus and gratuity. The said amount shall be paid to the respondent by way of bank draft within three months hence. Be it clarified, two drafts shall be issued, one amounting to Rs.8,00,000/- (Rupees eight lakhs only) as directed by us and the second draft computing the bonus and gratuity so that the respondent would be in a position to know what has been granted on the second count.

With the aforesaid modification in the judgment and order passed by the High Court, the appeal stands disposed of. There shall be no order as to costs.

.....J.
(Dipak Misra)

.....J.
(R. Banumathi)

New Delhi;

February 10 , 2017.

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ITEM NO.46

COURT NO.2

SECTION IVA

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No.17595/2012
(Arising out of impugned final judgment and order dated 10/02/2012
in RFA No. 208/2005 passed by the High Court of Karnataka at
Bangalore)

MGT.OF M/S BINNY LTD.TR.CO.SEC.& ANR

Petitioner(s)

VERSUS

J.JOEL KIRUBAGARAN

Respondent(s)

(With appln. (s) for directions and interim relief and office report)

Date : 10/02/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPAK MISRA

HON'BLE MRS. JUSTICE R. BANUMATHI

For Petitioner(s) Mr. K. K. Mani, AOR
Ms. T. Archana, Adv.

For Respondent(s) Ms. Srishti Govil, Adv.
Mr. Balaji Srinivasan, AOR

UPON hearing the counsel the Court made the following

O R D E R

Leave granted.

The appeal is disposed of in terms of the signed order.

(Chetan Kumar)

Court Master (H.S. Parasher)

Court Master

(Signed order is placed on the file)