

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6382 OF 2011

CHIEF ENGINEER, YAMUNA KACCHAR & ANR.

Appellant(s)

VERSUS

SNEHLATA TIWARI

Respondent(s)

O R D E R

This appeal has been preferred against the order dated 21st October, 2008 passed by the High Court of Madhya Pradesh dismissing the writ appeal of the appellants on the ground of maintainability under Section 2(1) of Madhya Pradesh Uchcha Nayayalaya (Khand Nyaya Peeth Ko Appeal) Adhiniyam, 2005. This Court vide order dated 31st July, 2009, issued notice only on the question to consider whether matter be sent to High Court for deciding the appeal on merits. As much as the matter is pending before this Court from last more than 10 years, we have heard the learned counsel for the parties on merits also.

The respondent herein was appointed as a Copyist in the Office of Chief Engineer, Yamuna Kachhar, Department of Water Resources, Thatipur, Gwalior on 1st December, 1988. When her services were not regularized and regular salary was not paid, she approached Labour Court No. 1, Gwalior, Madhya Pradesh. Labour Court vide order dated 11th April, 1997 has ordered to regularize the services of the

respondent/applicant on the post of Copyist from 28th November, 1989 and also extend the pay scale of Copyist. It is stated that difference of salary arrears are not paid so far. The said order of the Labour Court was confirmed by the Industrial Court. Against the said orders writ petition was filed. The same was disposed of by the learned Single Judge by order dated 21st June, 2007 by directing the appellants herein to treat the respondent as Copyist (Assistant Grade-III) with effect from 11th April, 1997, as per the annexure P-5 order annexed in the writ petition. It is further declared that respondent would be entitle for salary and other benefits attached to the said post.

We have heard Ms. Ankita Chaudhary, learned Dy. AG for the State of Madhya Pradesh for the appellants and Mr. Ashok Mathur, learned counsel for the respondent.

During the course of hearing, learned counsel for the appellants has not disputed that there was a policy in the State of Madhya Pradesh for regularizing all daily wagers who worked up to 31st December, 1988. In this case, it is to be noted that respondent was initially appointed on 1st December, 1988, since then continuously she is in service. In that view of the matter there is no reason for not regularizing her services. In view of the reasons assigned by the learned Single Judge for confirming the order of the tribunal with the modification, there is no reason or justification on the part of the appellants in seeking interference with such order in this appeal. As much as we are convinced on merits to maintain the order passed by Single Judge, we dismiss

this appeal by keeping the question of law, with regard to maintainability of the appeal, open for consideration in appropriate case. This appeal is dismissed.

Pending application(s), if any, shall stand(s) disposed of.

.....J.
(R. SUBHASH REDDY)

.....J.
(HRISHIKESH ROY)

New Delhi;
September 22, 2021.

ITEM NO.104

COURT NO.12

SECTION IV-C

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

Civil Appeal No(s). 6382/2011

CHIEF ENGINEER, YAMUNA KACCHAR . & ANR.
VERSUS

Appellant(s)

SNEHLATA TIWARI
WITH

Respondent(s)

C.A. No. 2465/2008 (IV-A)

C.A. No. 244-245/2009 (IV-A)

Date : 22-09-2021 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R. SUBHASH REDDY
HON'BLE MR. JUSTICE HRISHIKESH ROY

For Appellant(s) Ms. Ankita Chaudhary, Dy. AG
Mr. S. N. Bhat, AOR
Mr. Sunny Choudhary, AOR

Mr. Hetu Arora Sethi, AOR
Ms. Lalit Mohini Bhat, Adv.
Mr. Rahul Jain, Adv.
Mr. Ramesh Thakur, Adv.

For Respondent(s) Mrs. T.S. Shanthi, Adv.
Mr. P. Narasimhan, AOR

Mrs. B. Sunita Rao, AOR
Mr. Ashok Mathur, AOR

UPON hearing the counsel the Court made the following
O R D E R

Civil Appeal No(s). 6382/2011

The appeal is dismissed in terms of signed order.

Pending application(s), if any, shall stand(s) disposed of.

C.A. No. 2465/2008 and C.A. No. 244-245/2009

De tag and list after two weeks.

(NEETA SAPRA)

COURT MASTER (SH)

(Signed order is placed on the file)

(SUNIL KUMAR RAJVANSHI)

BRANCH OFFICER