

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). 2331 OF 2008

SR. SUPERINTENDENT OF POST OFFICES,LUDH Appellant (s)

VERSUS

ARVINDER SINGH Respondent(s)

(With prayer for interim relief and office report)

Date: 22/05/2012 This Appeal was called on for hearing today.

CORAM :
HON'BLE DR. JUSTICE B.S. CHAUHAN
HON'BLE MR. JUSTICE DIPAK MISRA
[VACATION BENCH]

For Appellant(s) Mr. R.P. Bhatt, Sr. Adv.
Ms. Rashmi Malhotra, Adv.
Ms. Gargi Khanna, Adv.
Mr. V.K. Verma,Adv.(Not present)

For Respondent(s) None

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

The appeal is allowed in part in terms of the signed
order.

(Parveen Kr.Chawla)
Court Master

(M.S. Negi)
Court Master

[signed order is placed on the file]
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2331 OF 2008

Sr. Superintendent of Post Offices,
Ludhiana

..Appellant

versus

Arvinder Singh

..Respondent

O R D E R

The present appeal is directed against the order dated 25.01.2007 passed by the High Court of Punjab and Haryana at Chandigarh in Civil Writ Petition No. 1244 of 2007, whereby the Division Bench has concurred with the view expressed by the Labour Court which had directed reinstatement of the respondent with continuity in service with 25% back wages.

Assailing the legal propriety of the order passed by the Labour Court as well as that of the High Court, Mr. Bhatt, learned senior counsel has contended that the Labour Court has fallen into grave error by treating the postal department as an industry and thereby making Section 25F of the Industrial Disputes Act, 1947 applicable and the High Court has also committed an error by concurring with it inasmuch as the postal department, by stretch of no imagination, can be treated to be an industry. Apart from that, it is urged by Mr. Bhatt that the respondent was engaged as a substitute under the Scheme 'The Postal Gramin Dak Savak Recruitment Rules 2001', he could not have been regularised, but is entitled to continue as long as department wants him, regard being had to his performance, or till a regular employee occupies the post. Learned senior counsel further submitted that the respondent can only participate in the selection process for the post if the same falls vacant but he cannot dislodge the regular employee who was on leave.

When the matter was taken up by this Court at the initial stage, this Court had directed only stay of payment of back wages as directed by the Labour Court which had been affirmed by the High Court. Thus, as a logical corollary, it is inferable that the respondent must have joined the post in question. Keeping the issues raised by Mr. Bhatt open to be adjudicated upon in an appropriate case, we do not intend to interfere with the order of

reinstatement. However, as far as the direction relating to grant of back wages is concerned, the same is set aside.

The appeal is allowed in part.

No order as to

costs.

.....J.
[DR. B.S. CHAUHAN]

NEW DELHI;
MAY 22, 2012

.....J.
[DIPAK MISRA]