

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
CIVIL APPEAL NO.422 OF 2010

U.P. Avas Evam Vikas Parishad ... Appellant

VERSUS

Pradeep Kumar ... Respondent

O R D E R

The respondent was employed as a daily wager on 01.06.1982 with the appellant-Housing Board. He was disengaged from service on 31.07.1983. Be it stated, the Housing Board has a cavil over the date of disengagement. Be that as it may, the Labour Court vide award dated 26.08.1996 has held that there had been non-compliance of Section 6-N of the U.P. Industrial Disputes Act, 1947 and, on that basis, directed for reinstatement with 50% back wages for the period covering the period of reference till the pronouncement of the award.

Being dissatisfied with the aforesaid award, the appellant preferred a writ petition being Writ Petition No.14850 of 1997 before the High Court of Allahabad which has been dismissed by order dated 28.03.1006.

This Court, while issuing notice, had directed the stay of the operation of the impugned judgment as a consequence of which the respondent has not yet been reinstated.

Having heard Mr. Vishwajit Singh, learned counsel for the appellant and Mr. Sudhir Kulshreshtha, learned counsel for the respondent, considering the entire material on record and keeping in view the period of service that has been rendered by the respondent, we think it is a case where there should not have been a direction for reinstatement in service but grant of compensation and, accordingly, we determine the compensation at Rs.3,00,000/- (Rupees three lacs only) which shall be paid by the appellant to the respondent employee by way of a bank draft drawn on any nationalized bank within six weeks hence failing which the said sum shall carry interest @ 12% per annum from the date of failure.

In the result, the award passed by the Labour Court that has been given the stamp of approval by the High Court is modified. The appeal stands disposed of accordingly. There shall be no order as to costs.

.....,J.  
(Dipak Misra)

.....,J.  
(Prafulla C. Pant)

New Delhi;  
March 11, 2015.

ITEM NO.101

COURT NO.5

SECTION XV

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

Civil Appeal No(s). 422/2010

U.P. AVAS EVAM VIKAS PARISHAD

Appellant(s)

VERSUS

PRADEEP KUMAR

Respondent(s)

Date : 11/03/2015 This appeal was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPAK MISRA  
HON'BLE MR. JUSTICE PRAFULLA C. PANT

For Appellant(s) Mr. Vishwajit Singh, Adv.  
Mr. Abhindra Maheshwari, Adv.  
Mr. Pankaj Singh, Adv.  
Ms. Ridhima Singh, Adv.

For Respondent(s) Mr. Sudhir Kulshreshtha, Adv.

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

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

(Gulshan Kumar Arora)  
Court Master

(H.S. Parasher)  
Court Master

(Signed order is placed on the file)