

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(s). 3535 of 2014
(Arising out S.L.P.(C) No.21087 OF 2012)

AMIR CHAND

Appellant(s)

VERSUS

INCHARGE GOVT.MURGI SEWA KENDER & ORS.

Respondent(s)

O R D E R

Heard.

Leave granted.

Learned counsel for the appellant argued on the authority of a decision of this Court pronounced in Civil Appeal NO.6795 of 2013 - Assistant Engineer, Rajasthan State Agriculture Marketing Board, Sub-Divison, Kota vs. Mohan Lal, disposed on 16th August, 2013, that the amount of compensation Rs.20,000/- awarded to the appellant in lieu of retrenchment with 50% back wages, deserves to be revised upwards to Rs.1,00,000/-. He urged that in Mohan Lal's case (supra) this Court had raised the compensation to Rs.1,00,000/- even when the workman concerned had raised an industrial dispute six years after his termination. The appellant had, in the present case, acted diligently and in the right earnest and raised an industrial dispute shortly after his retrenchment from the service which according to learned counsel was found to be illegal on account of non-payment of retrenchment compensation.

When the matter initially came up for preliminary hearing before us on 16th July, 2012, we issued notice to the respondents limited to the question of enhancement of compensation awarded by the High Court in lieu of retrenchment. We did not consider it necessary to interfere with the order passed by the High Court whereby retrenchment with 50% back-wages awarded by the Labour Court was set aside and compensation in lieu thereof awarded to the appellant. The only question was whether the amount of compensation deserves to be enhanced in the peculiar facts and circumstances of the case.

Having heard learned counsel for the parties at some length, we are of the view that the amount of Rs.20,000/- awarded by the High Court towards compensation in lieu of retrenchment can and ought to be enhanced to Rs.75,000/-.

We accordingly allow this appeal but only in-part and to the extent indicated above, and direct that the respondent-Kender shall, in lieu of the retrenchment directed by the Labour Court with 50% back-wages awarded to the appellant, pay a sum of Rs.75,000/- inclusive of the amount, if any already paid to him.

No costs.

.....J.
(T.S. THAKUR)

.....J.
(C. NAGAPPAN)

NEW DELHI

DATED 07th March, 2014.

ITEM NO.45

COURT NO.5

SECTION XV

Petition(s) for Special Leave to Appeal (Civil) No(s).21087/2012

(From the judgement and order dated 25/10/2010 in LPA No.710/2010 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

AMIR CHAND Petitioner(s)

VERSUS

INCHARGE GOVT.MURGI SEWA KENDER & ORS. Respondent(s)

(With prayer for interim relief and office report)

Date: 07/03/2014 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR
HON'BLE MR. JUSTICE C. NAGAPPAN

For Petitioner(s) Mr. A. Tewari,Adv.
Ms. Eliza Bar,Adv.
Mr. Shree Pal Singh,Adv.

For Respondent(s) Mr. Jagjit Singh Chhabra,Adv.

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

Heard.

Leave granted.

In terms of the signed order the appeal is allowed in part and to the extent indicated in the signed order:

"We accordingly allow this appeal but only in-part and to the extent indicated above, and direct that the respondent-Kender shall, in lieu of the retrenchment directed by the Labour Court with 50% back-wages awarded to the appellant, pay a sum of Rs.75,000/- inclusive of the amount, if any already paid to him.

No costs."

| (Mahabir Singh) | (Veena Khara) |
| Court Master | Court Master |

(Signed order is placed on the file)