

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.810 OF 2012

STATE OF JHARKHAND AND ORS.

APPELLANTS

VERSUS

PANKAJ KUMAR SINGH

RESPONDENT

O R D E R

1. The present appeal is directed against an order dated 30th November, 2010, passed by the Division Bench of the High Court of Jharkhand at Ranchi in an intracourt appeal viz., Letters Patent Appeal No.280 of 2010 whereby the challenge laid by the appellant-State to the judgment dated 13th January, 2010 passed by the learned Single Judge in Writ Petition (S) No.3967 of 2003, preferred by the respondent was dismissed holding that the learned Single Judge was justified in setting aside the order of termination dated 11th July, 2001 passed by the appellant-State on the ground that no opportunity of hearing was afforded by the Department to the respondent-employee.

2. It is pertinent to note that *vide* judgment dated 13th January, 2010 passed by the learned Single Judge while setting aside the termination order dated 11th July, 2001, the State was directed to pass a fresh reasoned order after giving a proper show-cause notice to the respondent, specifying the reasons for the proposed termination of his *ad*

hoc appointment, to enable him to give an effective reply or defence. It was further directed that the respondent would be reinstated and paid all the back wages which he was deprived of due to the termination order.

3. Notice was issued in the present appeal on 12th August, 2011 and the contempt proceedings initiated by the respondent for non-payment of the back wages by the appellant-State were stayed. The said interim order was made absolute on 16th January, 2012. As a result, the contempt petition is still pending consideration before the High Court.

4. Learned counsel for the appellant-State hands over copy of an order dated 21st September, 2012 passed by the High Court of Jharkhand at Ranchi in another Writ Petition filed by the respondent registered as writ petition(S) No.4409 of 2012, wherein he had assailed a subsequent order of termination dated 4th September, 2010, issued by the appellant-State after considering and turning down the explanation offered by him to the show cause notice dated 2nd August, 2010, issued by the Department in compliance with the earlier order dated 13th January, 2010, passed by the learned Single Judge, as referred to hereinabove.

5. The said challenge was, however, rejected by the learned Single Judge holding that the post in question was not advertised, nor was a Selection Committee ever constituted and, therefore, the respondent's appointment was in violation of the laws and the Rules.

6. Admittedly, the aforesaid judgment has attained

finality.

7. Now the only issue left for consideration before us is the aspect of the back wages, which the High Court had directed were payable to the respondent for the period between 11th July, 2001, the date on which his services were terminated and 17th July, 2010 when the respondent was directed to be reinstated *vide* judgment dated 13th January, 2010 passed in Writ Petition(S)No.3961 of 2010.

8. The period in question works out to almost 10 years. Having regard to the fact that much water has flown under the bridge by now and keeping in mind the peculiar facts of the case where the services of the respondent were subsequently terminated which order has been upheld by the High Court and attained finality and further, keeping in mind the pay scale of the respondent, as can be gathered from the copy of the letter dated 3rd October, 2001, issued by the Sub-Divisional Officer, Sadar, Chaibasa, mentioned as ₹ 2650-4000, it is deemed appropriate to direct the appellants to pay a lump sum amount of ₹ 2,50,000/- (Rupees Two Lakhs and Fifty Thousand Only) to the respondent for the aforesaid period, so as to bring a closure to the entire issue.

9. The said payment shall be in full and final settlement of all the claims of the respondent against the appellants and shall be paid by the appellants to the respondent within four weeks from today.

10. On receipt of the said amount, the contempt petition filed by the respondent and pending before the High Court

registered as Contempt Case No.301/2011 shall also stand closed.

11. The appeal is disposed of in the above terms. Pending applications, if any, stand disposed of.

..... J.
(HIMA KOHLI)

..... J.
(RAJESH BINDAL)

NEW DELHI;
JULY 19, 2023

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). 810/2012

STATE OF JHARKHAND AND ORS.

Appellant(s)

VERSUS

PANKAJ KUMAR SINGH

Respondent(s)

Date : 19-07-2023 This appeal was called on for hearing today.

CORAM : HON'BLE MS. JUSTICE HIMA KOHLI
HON'BLE MR. JUSTICE RAJESH BINDAL

For Appellant(s) Mr. Tapeshe Kumar Singh, A.A.G.
Mr. Aditya Pratap Singh, Adv.
Mr. Tapeshe Kumar Singh, AOR

For Respondent(s) Mr. Rameshwar Prasad Goyal, AOR

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

1. The appeal is disposed of in terms of the signed order which is placed on the file.
2. Pending applications if any, shall stand disposed of.

(KAVITA PAHUJA)
COURT MASTER (SH)

(RAVINDER KUMAR)
COURT MASTER