

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

Petition(s) for Special Leave to Appeal (Civil) No(s).19089/2012

(From the judgement and order dated 22/02/2012 in WPC No.59276/2007 of the HIGH COURT OF JUDICATURE AT ALLAHABAD)

STATE OF U.P. & ANR.

Petitioner(s)

VERSUS

IDRISH

Respondent(s)

(With prayer for interim relief and office report)

Date: 08/07/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.L. GOKHALE
HON'BLE MR. JUSTICE MADAN B. LOKUR

For Petitioner(s) Mr. Pramod Swarup, Sr. Adv.
Mr. Ameet Singh, Adv.
Mr. Abhishek Chaudhary, Adv.

For Respondent(s) Ms. Rachana Srivastava, Adv.

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

Leave granted.

Heard Mr. Pramod Swarup, learned senior counsel in support of this appeal and Ms. Rachana Srivastava learned counsel for the respondent.

The orders passed by the Labour Court as also by the High Court are modified and the appeal is disposed of in terms of the signed order.

(A.S. BISHT)
COURT MASTER

(SNEH LATA SHARMA)
COURT MASTER

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5352 OF 2013
(Arising out of SLP(C) No.19089/2012)

STATE OF U.P. & ANR.

Appellant(s)

:VERSUS:

IDRISH

Respondent(s)

O R D E R

Leave granted.

2. Heard Mr. Pramod Swarup, learned senior counsel in support of this appeal and Ms. Rachana Srivastava, learned counsel for the respondent.

3. The respondent having been discontinued from service moved the Labour Court by raising an industrial dispute. The Labour Court found that the respondent worked continuously from 5.12.1996 to 1.12.1998 and granted an order of reinstatement with 50% back-wages. The appellant challenged the award of the Labour Court by filing a writ petition before the High Court. The High Court left the award undisturbed and the appellants have, therefore, filed this appeal by special leave.

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4. Ms. Srivastava, learned counsel appearing for the respondent submits that the respondent is prepared to give up the back-wages provided he is reinstated with continuity of service. Mr. Pramod Swarup, learned senior counsel appearing for the appellants has no objection to this suggestion. We accordingly modify the orders passed by the Labour Court as also the High Court and direct that the respondent shall be reinstated in service with continuity of service though without back-wages.

The appeal is disposed of accordingly.

(H.L. GOKHALE)

.....J

.....J
(MADAN B. LOKUR)

New Delhi;
July 8, 2013.