

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGSPetition(s) for Special Leave to Appeal (Cr1)... 2008
CRLMP.NO(s). 15029(From the judgement and order dated 02/04/2008 in CRLMC No. 315/2002 of
the HIGH COURT OF U.P AT LUCKNOW)

RAMESH CHAINANI

Petitioner(s)

VERSUS

T.C.GOEL & ORS.

Respondent(s)

(With CRL.M.P.No.15029/2008 for c/delay in filing SLP)

Date: 07/11/2008 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA

HON'BLE MR. JUSTICE CYRIAC JOSEPH

For Petitioner(s) Mr. U.K. Uniyal, Sr.Adv.
Mr. Saurabh Trivedi,Adv.
Mr. Indrajit Das,Adv.
Ms. S. Janani,Adv.

For Respondent(s)

UPON hearing counsel the Court made the following
ORDER

Delay condoned.

The petitioner raised an industrial dispute questioning the validity of an order of termination dated 7.5.1985, inter alia, on the premise that the provisions of Section 25 FFF of the Industrial Dispute Act had not been complied with. The Tribunal held that the order of termination of the services of appellant was correct and legal.

...2/-

-2-

The High Court by its judgment and order dated 10.10.2001 quashed the award of the Tribunal and directed the respondents herein to reinstate the petitioner in service in one of its offices. Admittedly, the direction to reinstate the petitioner in service cannot be passed as he had reached the age of superannuation.

So far as the question of determination of the quantum of the back-wages is concerned, the High Court noticed that there exists a dispute in regard thereto. Whereas according to the petitioner, he was entitled to a sum of Rs.33,11,290; according to the respondents he was entitled only to Rs. 4,87,000/-.

In view of the aforementioned subsequent events, the High

Court, in our opinion, rightly refused to initiate any proceeding under the Contempt of Court Act against the respondents, directing the petitioner to file an application before the Industrial Tribunal under Section 33C of the Industrial Disputes Act, while asking the respondents to pay a sum of Rs. 5 lakhs to the petitioner.

Learned counsel for the petitioner, relying on or on the basis of the two decisions of this Court reported in Union of India & Ors. vs. Subedar Devassy PV, (2006) 1 SCC 613 and Commissioner, Karnataka Housing Board vs. C. Muddaiah, (2007) 7 SCC 689, contended that such a direction is impermissible as the High Court should have implemented its own order.

...3/-

-3-

By reason of the impugned judgment, the High Court has not refused to implement its own order as it has issued direction for payment of the admitted dues. It had refused to initiate a proceeding under the Contempt of Court Act having regard to the subsequent event and the dispute between the parties in regard to the amount of compensation and the consequential benefits emanating therefrom.

The view of the High Court, in our opinion, is covered by a three-Judge Bench of this Court in J.S. Parihar vs. Ganpat Duggar & Ors., (1996) 6 SCC 291, and in that view of the matter, there is no merit in this petition. The special leave petition is dismissed accordingly.

(A.S. BISHT)
COURT MASTER

(PUSHAP LATA BHARDWAJ)
COURT MASTER