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ITEM NO. 1

Court No.7

SECTION XVII

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).25798/2011

(From the judgement and order dated 17/06/2011 in LPA No.440/2009 of The  
HIGH COURT OF JHARKHAND AT RANCHI)

XAVIER LABOUR RELATIONS INSTITUTE

Petitioner(s)

VERSUS

HARSH VARDHAN MATHUR & ANR.

Respondent(s)

(With appln(s) for permission to file additional documents and prayer for  
interim relief and office report )

Date: 04/09/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR

HON'BLE MR. JUSTICE VIKRAMAJIT SEN

For Petitioner(s)

Mr. Jaideep Gupta, Sr. Adv.  
Mr. Abhijit Sinha, Adv.  
Mr. Arijit Majumdar, Adv.  
Mr. Abhinav Mukerji, Adv.

For Respondent(s)

Respondent-In-Person

Mr. S. Chandra Shekhar ,Adv

Mr. Tapesk Kumar Singh, Adv.  
Mr. Kumar Anurag Singh, adv.  
Mr. Mohd. Waquas, Adv.

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

Leave granted.

The appeal is allowed in terms of the signed order.

|(Shashi Sareen)  
|Court Master

| |(Veena Khara)  
| |Court Master

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No. 7693 OF 2013  
(Arising out of SLP(C) No. 25798 of 2011)

|XAVIER LABOUR RELATIONS INSTITUTE

|...| Appellant(s) |

Versus

HARSH VARDHAN MATHUR AND ANR.

... Respondent(s)

O R D E R

Leave granted.

This appeal arises out of an order dated 17.06.2011 passed by the High Court of Judicature at Ranchi whereby an order dated 30.11.2006 passed by the Jharkhand Education Tribunal, Ranchi and that dated 13.12.2007 passed by a Single Judge of that court have been set aside and the matter remitted back to the Tribunal for disposal in accordance with law.

The primary issue that fell for consideration before the Tribunal and so also before the Single Judge related to the maintainability of a petition filed by respondent No. 1 under Sections 8 and 10 of the Jharkhand Tribunal Act, 2005. The Tribunal by its order dated 30.11.2006 took the view that the application filed by the respondent was not maintainable on the ground that the order impugned in the application had been passed more than three years before the date of establishment of the Tribunal. Aggrieved by the said order, the respondent preferred a writ petition before the High Court which was dismissed by a Single Bench of that court by order dated 13.12.2007 holding that the view taken by the Tribunal was legally unexceptionable. LPA No. 440 of 2009 was then filed by respondent No. 1 before the High Court assailing the said two orders. The Division Bench of the High Court has by its order dated 17.06.2011 allowed the said appeal, set aside the orders passed by the Tribunal and Single Judge of the Court and declared that the application filed by the respondent was maintainable and ought to be entertained and disposed of on merits. The present appeal by special leave assails the correctness of that order as noticed above.

Having heard the matter in part on 02.08.2013 and 08.08.2013 we directed the presence of the Chairman of the appellant-Institute with a view to exploring the possibility of an amicable settlement between the parties. In obedience to the said direction, Father E. Abraham, Vice-Chairman of the Institute is present in person and submits that the Institute was not averse to an amicable settlement of the dispute and resultant disposal of this matter on that basis. After some discussion, the parties agreed to settle the entire controversy on the following terms:

1) The appellant Institute would without prejudice to its rights and contentions and without admitting the allegations made by respondent No. 1 against the appellant-Institute or any claims made by respondent No. 1 and in order to give quietus to the dispute between the parties pay to respondent No. 1 a sum of Rs. 5,50,000/- in full and final settlement of all the claims made by the said respondent including his claim for continuance in service of the institute and consequential benefits whatsoever.

2) The appellant shall over and above the amount of Rs. 5,50,000/- also pay to the respondent the amount of gratuity for a period of five years during which respondent No. 1 served the institute, if such payment has not already been made.

3) The payment of the amount of Rs. 5,50,000/- and the amount of gratuity, if any, in terms of para 2 above shall be made by the appellant-Institute within a period of four weeks from today in the form of a demand draft/cheque drawn in favour of respondent No. 1.

4) On receipt of the amount aforementioned, respondent No. 1 shall withdraw all proceedings against the appellant-Institute including case No. 74 of 2006 pending before the Jharkhand Education Tribunal and undertake not to initiate any proceeding against the appellant-Institute in future on any account whatsoever.

5) The settlement hereby arrived at between the parties shall not constitute a precedent for future in relation to any other employee or in regard to any other matter whatsoever.

Mr. Jaideep Gupta, learned senior counsel for the appellant and Mr. Harsh Vardhan Mathur respondent who appears in person submit that this appeal could be disposed of with suitable directions in the light of the settlement, setting aside the order passed by the Division Bench. We see no reason to decline that prayer.

We accordingly allow this appeal set aside order dated 17.06.2011 passed by the Division Bench of the High Court in LPA No. 440 of 2009 and direct that the dispute between the parties shall stand finally settled on the terms set out in the body of this order. There is no gainsaying that with the setting aside of the order passed by the Division Bench of the High Court, the orders passed by the Tribunal and the Single Judge would revive making it unnecessary for the respondent to either withdraw this case or the Tribunal to pass any further orders in the matter. The parties are left to bear their own costs.

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

.....J.  
(VIKRAMAJIT SEN)

New Delhi,  
September 04, 2013