

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

Petition(s) for Special Leave to Appeal (Civil) No(s).5053/2010

(From the judgement and order dated 01/05/2009 in WP No.589/2003 of The HIGH COURT OF M.P AT INDORE)

M/S GAJRA GEARS(P) LTD.TR.FAC.MANAGER

Petitioner(s)

VERSUS

RAJKAPOOR

Respondent(s)

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

Date: 12/03/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AFTAB ALAM
HON'BLE MRS. JUSTICE RANJANA PRAKASH DESAI

For Petitioner(s) Mr. S. Gurukrishna Kumar, AAG
 Mr. A. Prasanna Venkat, Adv.
 For Mr. Abhay Kumar, Adv.

For Respondent(s) Mr. J.P. Dhanda, Adv.

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

Though the respondent has award of the Labour Court for reinstatement with full back-wages in his favour and the award has been affirmed, first by the Industrial Tribunal, and later by the High Court of Madhya Pradesh, he is not in a position to rejoin his duties as he suffered a paralytic attack.

Counsel for the petitioner states that he has also crossed the age of superannuation and for that reason also the question of his reinstatement does not arise.

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In terms of the earlier order dated May 7, 2010, the petitioner has deposited 50% of the back wages payable to the respondent and the respondent has withdrawn the deposited amount in terms of the interim order.

In view of the aforesaid facts and circumstances, the respondent has only a monetary claim against the petitioner, and we are satisfied that the ends of justice will be served in case the petitioner is directed to pay to

the respondent the remaining 50% of his back wages plus his salary upto the date of his superannuation within two months from today.

It is made clear that any payments made to the respondent in terms of Section 17B of the Industrial Disputes Act shall be adjusted from the payment as directed by this Order.

The special leave petition is disposed of.

(Neetu Khajuria)
Sr.P.A.

(Sneh Bala Mehra)
Court Master