

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (CIVIL) NO.23458 OF 2008

Hindustan Paper Corporation Ltd.Petitioner

Versus

Mrs. Premjit Kaur TakhiRespondent

ORDER

H.L.Dattu, J.

1) This special leave petition is directed against the judgment and order passed by High Court of Delhi in L.P.A. No. 1054 of 2007 dated 19.8.2008, wherein and whereunder, the court has affirmed the order passed by the learned Single Judge in Writ Petition No. 2729 of 1989 dated 29.5.2007. The learned Judge while quashing the official Memorandum dated 10.12.1989 issued by the petitioner-Hindustan Paper Corporation Ltd. ('Corporation' for a short), has directed the corporation to reinstate the respondent herein and further to pay 50% salary along with other consequential benefits from the date of the termination order.

2) This court on 3.10.2008 had passed the following order :

"Issue Notice on the Special Leave Petition.
Status quo, as on today, shall be maintained with regard to the amount already deposited."

3) Since the issues involved in this petition lie in a narrow compass, we heard the learned senior counsel Shri P.P. Rao and the learned for respondent Shri J. Buther.

4) In our considered opinion, in the facts and circumstances of the present case, interference with the impugned judgment is not called for. Accordingly, we reject the special leave petition, leaving it open to the petitioner-Corporation, to agitate the question of law raised in the present special leave petition in an appropriate case.

5) In the result, we direct the petitioner-Corporation to re-instate the respondent with in 30 days from today and we also make it clear that the Corporation shall not recover any amount that is already paid to the

respondent during the pendency of the matter before various forums.

Respondent is also entitled to all the monetary and service benefits from the date of the order passed by the Corporation viz., 10.2.1989 till her reinstatement into service.

6) With the above observation and directions, the special leave petition is rejected. Parties are directed to bear their own costs.

.....J.
[TARUN CHATTERJEE]

.....J.
[H.L. DATTU]

New Delhi,
May 08, 2009.
ITEM NO.1C
(For orders)

COURT NO.5 SECTION XIV

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).23458/2008

(From the judgement and order dated 19/08/2008 in LPA No. 1054/2007 of The HIGH COURT OF DELHI AT N. DELHI)

HINDUSTAN PAPER CORPN. LTD. Petitioner(s)
VERSUS
PREMJIT KAUR TAKHI Respondent(s)

Date: 08/05/2009 This Petition was called on for Orders today.

For Petitioner(s) Mr. Shekhar Kumar,Adv.

For Respondent(s) Ms. Susmita Lal,Adv.

Hon'ble Mr.Justice H.L.Dattu pronounced the Order of the Bench comprising Hon'ble Mr.Justice Tarun Chatterjee and His Lordship.

In our considered opinion, in the facts and circumstances of the present case, interference with the impugned judgment is not called for. Accordingly, we reject the special leave petition, leaving it open to the petitioner-Corporation, to agitate the question of law raised in the present special leave petition in an appropriate case.

In the result, we direct the petitioner-Corporation to re-instate the respondent with in 30 days from today and we also make it clear that the Corporation shall not recover any amount that is already paid to the respondent during the pendency of the matter before various forums. Respondent is also entitled to all the monetary and service benefits from the date of the order passed by the Corporation viz., 10.2.1989 till her reinstatement into service.

With the above observation and directions, the special leave petition is rejected. Parties are directed to bear their own costs.

(Satish K.Yadav)
Court Master

(Phoolan Wati Arora)
Court Master

(Signed non-reportable Order is placed on the file)