

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5261 of 2011

M.P.HOUSING BOARD THR.EXEC.ENGNR., RATLAM

Appellant(s)

VERSUS

DASHRATH

Respondent(s)

O R D E R

The Respondent was appointed as a sweeper in the appellant Board with a monthly salary of Rs.1823/-with effect from 06.09.1991. His services were orally terminated on 01.03.2000. A dispute was raised by the Respondent on the ground that his termination is contrary to law, especially Section 25 F of the Industrial Disputes Act, as no notice was issued and no retrenchment compensation or gratuity were paid prior to his termination from service. A reference was made to the Labour Court by the Government of Madhya Pradesh to decide the point as to whether the removal of the Respondent from his service is legal and justified.

The Labour Court answered the reference in favour of the Respondent and directed his reinstatement without backwages. The writ petition filed by the appellant was dismissed by the High Court. Aggrieved thereby, the appellant is before this court.

The appellant contended that the findings recorded by the Labour Court that there is violation of Section 25 F of ID Act is factually incorrect. There is no dispute that the Respondent had received one month's notice and retrenchment compensation as well as gratuity which was due to him. It was further contended on behalf of the appellant that four persons who were juniors to the Respondent were continued on the basis of orders passed by the Court and as such even the principle of "last come First go" was not violated. The learned counsel for the Respondent submitted that the Respondent was continued on an ad-hoc basis for a period of eight years and he was unceremoniously sent out. He argued that Respondent is entitled to be reinstated in view of the long service rendered by him.

A perusal of the Award of the Labour Court and the judgment of the High Court would disclose

that Section 25 F of the Industrial Disputes Act has been complied with as the Respondent was paid the retrenchment compensation apart from one month's notice being given. It is also clear that no juniors to the Respondent were permitted to continue in service. Four juniors to the Respondent were continued in service due to orders passed by the Court. As the termination of service of the Respondent was after complying with the provisions of the ID Act, the Award of the Labour Court which was affirmed by the High Court deserves to be set aside.

The judgment of the High Court is set aside. The appeal is allowed. Pending application(s), if any, shall stand disposed of.

.....J  
(L.NAGESWARA RAO)

.....J  
(S. RAVINDRA BHAT)

NEW DELHI;  
16<sup>th</sup> February, 2021

ITEM NO.102            Court 8 (Video Conferencing)            SECTION IV-C

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

Civil Appeal No(s).5261/2011

M.P.HOUSING BOARD THR.EXEC.ENGNR., RATLAM            Appellant(s)

VERSUS

DASHRATH            Respondent(s)

Date : 16-02-2021 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO  
HON'BLE MR. JUSTICE S. RAVINDRA BHAT

For Appellant(s)    Mr. B.S.Banthia, AOR

For Respondent(s)    Col Pahlad Singh Sharma, AOR  
Col Sushil Kumar Sharma, Adv  
Mr. Krishna Kant Shukla, Adv  
Mr. Kisalaya Shukla, Adv  
Mr. Pranshu Kaushal, Adv

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

The appeal is allowed in terms of the  
signed order. Pending application(s), if any, shall  
stand disposed of.

(B.Parvathi)  
Court Master

(Pradeep Kumar)  
Court Master

(Signed order is placed on the file)