

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL Nos.5907-08 OF 2023  
(arising out of SLP(C) No(s). 2038-2039/2020)

J. UDAYAN

Appellant(s)

VERSUS

THE MANAGEMENT OF CATERPILLAR  
(INDIA) PRIVATE LIMITED

Respondent(s)

O R D E R

1. Delay condoned.
2. Leave granted.
3. Heard the learned counsel for the appellant as also the learned counsel for the respondent-Management and perused the appeal papers.
4. In respect of the termination of the appellant herein, the Labour Court through its award dated 23.01.2008, had directed reinstatement of the appellant with back wages. Aggrieved by the said order, the respondent-Management was before the learned Single Judge. The learned Single Judge through its judgment dated 28.09.2012, had modified the said award passed by the Labour Court and had directed the payment of Rs.2,00,000/- as full and final settlement towards compensation. The Division Bench, having considered all

aspects of the matter, though had upheld the said judgment passed by the learned Single Judge but directed the respondent-Management to pay Rs.4,00,000/- as full and final settlement towards compensation. Therefore, reinstatement was declined. It is in that light, the appellant is before this Court seeking to contend that he is entitled to be reinstated with back wages.

5. Having taken into consideration all aspects of the matter and also taking note that the appellant had last worked on 03.03.2005 as an employee, and also taking into consideration the age of the appellant, at this juncture, a case for reinstatement, in any event, cannot be considered. However, taking into consideration the manner in which the Labour Court had proceeded and the High Court has taken into consideration all aspects of the matter, we are of the opinion that the amount of Rs.4,00,000/-, as ordered by the Division Bench to be paid as full and final settlement towards compensation, would be insufficient.

6. In a matter of the present nature, without getting into any other aspect of the matter, to lend a quietus, we direct that in addition to the amount, as ordered by the Division Bench of the High Court, a further sum of Rs.5,00,000/- be paid by the respondent-Management to the appellant herein as full and final settlement towards compensation. The said amount shall be paid by the respondent-Management to the appellant within a period of

four weeks from the date of receipt of a copy of this order.

7. Since, we have presently ordered the enhanced payment of Rs.5,00,000/- as full and final settlement towards compensation, we reserve liberty to the appellant to make an application seeking spread over of the entire amount over the period for which he was out of employment. If such application is filed, the respondent-Management is directed to provide the said benefit.

8. In the aforesaid terms, the appeals stand disposed of along with the pending application(s), if any.

.....J.  
(A.S. BOPANNA)

.....J.  
(PAMIDIGHANTAM SRI NARASIMHA)

New Delhi  
15<sup>th</sup> September, 2023

ITEM NO.56

COURT NO.7

SECTION XII

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 (C) No(s). 2038-2039/2020

(Arising out of impugned final judgment and order dated 10-06-2019 in WA No. 33/2013 10-06-2019 in WA No. 2440/2013 passed by the High Court Of Judicature At Madras)

J. UDAYAN

Petitioner(s)

VERSUS

THE MANAGEMENT OF CATERPILLAR (INDIA) PRIVATE LIMITED Respondent(s)

(FOR ADMISSION and I.R. and IA No.4923/2020-CONDONATION OF DELAY IN FILING )

Date : 15-09-2023 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.S. BOPANNA  
HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA

For Petitioner(s) Mr. Senthil Jagadeesan, AOR  
Ms. Sonakshi Malhan, Adv.  
Mr. Sajal Jain, Adv.

For Respondent(s) Mr. R. Anand Padmanabhan, Adv.  
Mr. Kshitiz Garg, Adv.  
Mr. Shashi Bhushan Kumar, AOR

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

Delay condoned.

Leave granted.

The appeals are disposed of in terms of the signed order along with the pending application(s), if any.

(NISHA KHULBEY)  
SENIOR PERSONAL ASSISTANT

(DIPTI KHURANA)  
ASSISTANT REGISTRAR

(signed order is placed on the file)