
(2009) 11 SC CK 0031

In the Supreme Court Of India

Case No : Civil Appeal No. 7487 of 2009 (Arising out of S.L.P. (C) 14775 of 2007)

Faridan

APPELLANT

Vs

State of U.P.

RESPONDENT

Date of Decision : 09-11-2009

Acts Referred:

Citation : (2010) 6 ALT 27 : (2010) 3 AWC 2531 Supp : (2009) 123 FLR 1106 : (2009) 14 JT 209 : (2010) 1 LLJ 251 : (2009) 13 SCALE 655 : (2010) 1 SCC 497 : (2009) 6 SLR 482

Hon'ble Judges : Tarun Chatterjee, J;R. M. Lodha, J

Bench : Division Bench

Advocate : Madan Sharma, Asha Upadhyay and R.D. Upadhyay, for the Appellant; Dinesh Dwivedi Prateek Dwivedi, Manish Shanker, Abhishek Choudhary, Abhishek Kr. Singh, Sahdev Singh and Chandra Prakash Pandey, for the Respondent

Final Decision : Allowed

Judgement

Tarun Chatterjee, J.—Leave granted.

2. This appeal is directed against the Judgment and order dated 15th of May, 2007 passed by a learned Judge of the High Court of Allahabad in Civil Misc. Writ Petition No. 17592 of 2001, whereby the High Court had disposed of the writ petition by setting aside the award passed by the Labour Court, Gorakhpur but directed that in spite of reinstatement of the appellant with full back wages, the respondents/State of UP shall pay to Faridan (appellant herein) an amount of Rs. 50,000/- in addition to any amount, which may be paid by it under the impugned award. The High Court further ordered that the aforesaid amount of Rs. 50,000/- however shall be paid within three months from that date, failing which an interest of 1% per annum shall be payable on the said amount since after three months till actual payment.

3. This order of the learned Single Judge was challenged by way of a Special Leave Petition, which came up for admission on 4th of February, 2008 and this

Court passed the following order:

Respondent No. 2 is deleted from the array of parties at the risk of the petitioner.

Issue notice to respondent No. 1 limited to the question as to whether compensation awarded by the High Court in lieu of service to the extent of Rs. 50,000/- be increased to Rs. 2 lakhs.

4. After service of notice, the matter came up for final hearing before us on the aforesaid limited issue as to whether the compensation awarded by the High Court in lieu of service to the respondent No. 2 could be increased from Rs. 50,000/- to Rs. 2 lakhs. On this aspect, we have heard the learned Counsel for the parties. Considering the entire materials on record including the order of the High Court as well as the award of reinstatement passed by the Labour Court, Gorakhpur and without interfering with the order of the High Court, we are of the view that the compensation awarded by the High Court was too meager in the present day affairs and the same may be enhanced to Rs. 2 lakhs, to be paid to Faridan, the appellant herein.

5. Accordingly, the impugned order of the High Court is modified only to the extent that instead of Rs. 50,000/-, the compensation shall be payable to the appellant a sum of Rs. 2 lakhs only. The other directions made by the High Court in the impugned order shall remain in force. However, the payment of Rs. 2 lakhs shall be made within two months from the date of supply of a copy of this order to the respondent. Appeal is thus disposed of.