

(1992) 10 SC CK 0025
In the Supreme Court Of India
Case No : Civil Appeal No.

Managing Director, Orissa Construction Corpn. and Others	APPELLANT
Vs	
Shyam Sundar Jena and Others	RESPONDENT

Date of Decision : 13-10-1992

Acts Referred:

Citation : (1992) 2 OLR 515

Hon'ble Judges : P. B. Sawant, J;Kuldip Singh, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. These appeals are directed against the judgment of a Division Bench of the Orissa High Court. The High Court allowed the writ petition of the respondents-workmen in the following terms:

We would accordingly direct that the petitioners shall be paid salary and allowances as are paid to their counter-parts in regular establishment with effect from the date they were respectively employed. H in the meanwhile, the scale of pay has been revised, they would also be entitled to the same revised scale of pay. Having considered the contention raised in the counter-affidavit, we also adopt the direction given in the aforesaid decision of this Court. We direct the Corporation to take appropriate steps to regularise the services of such of the petitioners who are in Continuous service of the Corporation for more than 5 years.

2. So far as the direction of the High Court regarding payment of salary and allowances is concerned we clarify that the expression "counter-parts in regular establishment" in the quote above means in the project where the workmen are/were working.

3. The direction given by the High Court regarding regularising the services of the workmen are modified to the extent that the respondents workmen who have put in five years of service shall continue in the service of the management and

their services shall not be dispensed with and further the management shall regularise them as and when regular vacancies are available. The workmen may be deputed to work in any of the projects under the control of the management where vacancies are available, Those respondents-workmen who have served management for more than five years and whose services, in the meanwhile have been terminated shall be taken back in service with continuity of service.

4. The appeals are disposed of in the above terms with no order as to costs.