
(2015) 08 SC CK 0130

In the Supreme Court Of India

Case No : Civil Appeal No. 6650 of 2015 (Arising out of S.L.P. (C) No. 27113 of 2014)

State of M.P.

APPELLANT

Vs

Mohan Lal

RESPONDENT

Date of Decision : 28-08-2015

Acts Referred:

Citation : (2015) 5 AWC 5017 : (2015) 147 FLR 989 : (2015) LLR 1125 : (2015) 9 SCALE 481 : (2015) 4 SCT 196 : (2015) 3 SLJ 306

Hon'ble Judges : Anil R. Dave, J;A.K. Goel, J

Bench : Division Bench

Advocate : Sunny Chaudhary and Mishra Saurabh, for the Appellant; Dushyant Parashar, Advocates for the Respondent

Final Decision : Dismissed

Judgement

1. Leave granted.

2. The Respondent was employed as a Chowkidar on daily wage basis and for some reasons he was discontinued in the year 1994. More than 14 years thereafter, he approached the competent authorities under the Industrial Disputes Act and by the Award dated 17.08.2012 passed by the Labour Court, it was directed that he should be reinstated in service without back wages. The said Award has been upheld by the High Court.

3. Being aggrieved by the order passed by the High Court, the Appellant has approached this Court.

4. Heard the learned Counsel for the parties. In view of the Order dated 15.09.2014 passed by this Court in Civil Appeal No. 9675 of 2014 titled as "State of M.P. and Anr. v. Vinod Kumar Tiwari", in our considered opinion, it is a fit case where some compensation should be awarded to the Respondent instead of directing the Appellant to reinstate him to his position as a daily wage Chowkidar.

5. Looking at the facts of the case and in view of the fact that the Respondent was appointed on daily wage basis and had approached the authorities after more than 14 years, we direct that by way of final settlement, instead of reinstatement as a daily wager, the Respondent be paid a sum of Rs. 2 lacs, in addition to what has already been paid to him when the notice had been issued.

6. The Award dated 17.08.2012 in Reference Case No. 65/2009/ID Act passed by the Labour Court, Ujjain, M.P. and confirmed by the High Court stands modified accordingly. The aforesaid amount shall be paid by the Appellant to the Respondent within eight weeks from the date of receipt of a copy of this Order.

7. The appeal is allowed with no order as to costs.