

(1997) 01 SC CK 0035

In the Supreme Court Of India

Case No : Civil Appeal No's. 450 with 451, 452 and 455 of 1997

U. P. State Mineral Development Corporation Ltd. and
Another etc.

APPELLANT

Vs

Vijay Kumar Upadhyay and Another etc.

RESPONDENT

Date of Decision : 17-01-1997

Acts Referred:

Citation : AIR 1997 SC 1778 : (1997) AIRSCW 1012 : (1997) 2 Supreme 680 :
(1997) 1 Supreme 635

Hon'ble Judges : S. Saghir Ahmad, J;K. Ramaswamy, J

Bench : Division Bench

Advocate : Vijay Hansaria and R.B. Misra, for the Appellant; Raju
Rumachandran Sunil Gupta, H.K. Puri, Joseph Pookatt, S. Ramachandran and
R.S. Jena, for the Respondent

Final Decision : Dismissed

Judgement

1. Leave granted.
2. We have heard Learned Counsel for the parties.
3. Admittedly, the Respondents came to be appointed on ad hoc basis pursuant to writ petition filed earlier by many others. The High Court by its judgment dated 4-2-1991, in Writ Petition No. 29537/90 had allowed the writ petition and set aside the order of the retrenchment and directed regularisation of their services. Some of the Respondents, admittedly, are senior to those who had the benefit of the order of regularisation as confirmed by this Court as on May 10, 1991. Consequently, following the earlier judgment, the High Court in the impugned order allowed the writ petitions with similar directions. Thus, these appeals by special leave have been filed.
4. In view of the fact that the earlier orders of this Court have become final, the Respondent are entitled to regularisation of their services. The Learned Counsel for the Appellants has brought to our notice that since subsequently there was a

development after the orders passed by this Court, namely, some of the establishments have been handed to the private sector and some of them are in the process of being wound up, the orders passed earlier by the High Court as confirmed by this Court and the present order would cause hardship to the Appellant-Corporation. We do not think that we can go into that aspect of the matter particularly, when the order in favour of some of the employees has attained finality. Similarly, the Respondents are entitled to the same benefit.

5. However, if there is any difficulty in working out, it will be open to the Corporation to convene a tripartite meeting consisting of workers' Union. One of the officers of Labour Department and an officer of the Appellant-Corporation would thrash out the problems and arrive at an amicable settlement to diffuse and sort out the above difficulty.

6. The appeals are accordingly dismissed. In view of the above directions, the direction for contempt issued by the High Court may not be enforced. However, the Appellant-Corporation shall regularise their service and it will be subject to the suggestions made hereinbefore. No costs.