

(2001) 02 SC CK 0172

In the Supreme Court Of India

Case No : Civil Appeal No: 5519, 5521 of 1998

Union of India (UOI) and Another

APPELLANT

Vs

Shantilal S. Valand

RESPONDENT

Date of Decision : 22-02-2001

Acts Referred:

Constitution of India, 1950 — Article 14

Citation : (2002) 1 ALLMR 928 : (2001) 1 LLJ 1421

Hon'ble Judges : G. B. Pattanaik, J;B. N. Agrawal, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. The Union of India assails the order of the Tribunal directing payment of 50% of wages for the period the respondent was pressed on "Put Off Duty", and in support of the contention Rule 9(3) was pressed into service, and a decision of this Court in the case of Union of India v. Kameshwar Prasad, (1997) 11 SCC 650 . Undoubtedly aforesaid decision supports the contention of the Union of India, but subsequent to the aforesaid decision the matter has been considered by a 3-Judge Bench in the case of Secy., Deptt. of Post and Ors. v. Chander Pal Singh, (1999) 9 SCC 168 and this Court has held that Rule 9(3) having been struck down to be violative of Article 14, the judgment of this Court in Kameshwar Prasad (supra) is of no relevance. In view of the aforesaid 3-Judge Bench decision in Chander Pal Singh (supra) we see no infirmity with the impugned order of the Tribunal requiring our interference. The appeals fail and are dismissed.

2. We are told that the Union of India has recovered the amount in question, which had been paid to the respondent. If that is true, then the said amount be paid back to the respondent within a period of 2 months from today.