

Navsari Agricultural University vs Ghanshyambhai Ashabhai Patel on 31 January, 2020

Bench: Navin Sinha, Krishna Murari

ITEM NO.45

COURT NO.13

SECTION III

S U P R E M E C O U R T O F
RECORD OF PROCEEDINGS

I N D I A

Petition(s) for Special Leave to Appeal (C)

No(s). 5346/2016

(Arising out of impugned final judgment and order dated 28-10-2015 in LPA No. 1457/2005 28-10-2015 in SCA No. 10472/1996 passed by the High Court Of Gujarat At Ahmedabad)

NAVSARI AGRICULTURAL UNIVERSITY

Petitioner(s)

VERSUS

GHANSHYAMBHAI ASHABHAI PATEL

Respondent(s)

(I.A. No. 133350 of 2019)

Date : 31-01-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE NAVIN SINHA
HON'BLE MR. JUSTICE KRISHNA MURARI

For Petitioner(s)

Mr. D.G. Chauhan, Adv.
Mr. Sanjay Kapur, AOR
Mr. Ronak Chauhan, Adv.
Ms. Megha Karnwal, Adv.
Mr. Sambit Panja, Adv.

For Respondent(s)

Mr. Nishant R. Katneshwarkar, Adv.
Mr. Nachiketa Joshi, AOR
Ms. Sucheta Joshi, Adv.
Ms. Himadri Haksar, Adv.
Mr. Vipul Tiwari, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is allowed in terms of signed order. (NEETA SAPRA) (DIPTI KHURANA) SENIOR PERSONAL ASSISTANT COURT MASTER (NSH) (Signed order is placed on the file) IN THE SUPREME COURT OF INDIA CIVIL APPELLATE JURISDICTION CIVIL APPEAL NO. 917 OF 2020 (Arising out of SLP (C) No.5346 of 2016) NAVSARI AGRICULTURAL UNIVERSITY APPELLANT(S) VERSUS GHANSHYAMBHAI ASHABHAI PATEL RESPONDENT(S) O R D E R
Leave granted.

The appellant-university assails order dated 28.10.2015 rejecting the challenge for reinstatement of the respondent.

We have considered the submissions made on behalf of the parties. The respondent came to be retrenched in 1985 in violation of the provisions of Section 25 F of the Industrial Disputes Act, 1947 after he had put in one year of service. The Labour Court in 1996 directed reinstatement of the respondent with continuity of service but restricted back wages to 50 per cent only. The Single Judge set aside the direction for grant of back wages. The appeal preferred by the appellant before the Division Bench against reinstatement was unsuccessful.

Today the respondent has reached the age of 62 and hence question of reinstatement does not arise, the fact that he had worked for only one year and was retrenched in violation of the provisions of Section 25 F of the Industrial Disputes Act, that nothing was paid to him during the litigation under Section 17 B of the Industrial Disputes Act, we consider it proper to allow the present appeal in part by directing payment of compensation to the respondent for lump sum amount of Rs.5 lacs only. On payment, the matter shall conclusively be closed and the payment shall be paid within one month.

The appeal is allowed to the aforesaid extent. I.A. No. 133350 of 2019 also stands disposed of.

.....J. [NAVIN SINHA]J. [KRISHNA MURARI]
NEW DELHI;

JANUARY 31, 2020