

SECTION - XV
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO. 837/2012
WITH PRAYER FOR INTERIM RELIEF

PREM RAM

PETITIONER

VERSUS

M. D. UTTARAKHAND PEY JAL & NIRM. NIGM & ORS.

RESPONDENTS

OFFICE REPORT

The Petition above-mentioned was listed before the Hon'ble Court on 27.10.2014 when the Court was pleased to pass the following order:-

"Heard.

The petitioner appears to have been appointed as a daily-wager in the erstwhile Uttar Pradesh Pey Jal Nigam as early as in the year 1988. Having worked for about 9 years, his services were terminated in February 1997. The termination order was eventually set aside by the Labour Court/ Industrial Tribunal with a direction that the petitioner should be reinstated with 50% back wages and continuity of service. A writ petition filed by the respondent-Nigam who happens to be the successor in-interest of the erstwhile U.P. Pey Jal Nigam succeeded only to the extent that the award of back-wages was deleted from the direction issued by the Labour Court. It is not in dispute that the petitioner had rejoined as a daily-wager and served the respondent-Nigam till he superannuated from service after completion of 60 years of age.

Learned counsel for the petitioner submits that all those similarly situate with him were during the intervening period regularised in the service of the respondent-Nigam while the petitioner was deprived of the said benefit only because his services had been illegally terminated by

the employer. It is further contended by learned counsel for the petitioner that an illegal order of termination passed by the employer should not have put the petitioner at a disadvantage in the matter of regularisation on the analogy of other similar regularisation orders issued by the Nigam in regard to employees similarly situate. He has in that regard drawn our attention to page "12" of the Additional Documents filed before us from which it appear that five persons appearing at Sl. No. 78 to 82 were regularised w.e.f. 1st July, 2003, although their entry in service is from 6th June, 1989 onwards. It is on that basis argued by learned counsel for the petitioner that persons junior to the petitioner having been regularised in service the petitioner could not have been deprived of a similar benefit.

Learned counsel for the respondent-Nigam submits that there is a difference between the cases of persons appearing at Sl. No. 78 to 82 and that of the petitioner, in as much as those appearing at Sl. No. 78 to 82 were work-charged employees while the petitioner was appointed only as a daily-wager. She seeks time to verify whether the regularisation has been ordered after screening/selection process and if so on what terms and conditions. She prays for and granted four weeks to file an additional affidavit, setting out the facts in that regard.

Post after four weeks. Needful be done I the meantime."

It is submitted that counsel for the respondents has on 15.01.2015 filed Additional affidavit in compliance of order dated 27.10.2014 with permission to Hon'ble Court. Copy of the same is being circulated.

Service is complete.

The matter avove-mentioned is listed before the Hon'ble Court
with this Office Report.

Dated this the 16th day of January, 2015.

ASSISTANT REGISTRAR