

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.6725 OF 2009

SWADHIN KUMAR MAHARANA & ORS.APPELLANT(S)

VERSUS

MANAGEMENT OF EXECUTIVE ENGINEERRESPONDENT(S)

WITH

CIVIL APPEAL NO.6726 OF 2009

O R D E R

Admittedly, the appellants-workers were employed sometime in between 1985 and 1993 and were getting wages ranging from Rs.780/- to Rs.810/- per month depending upon the number of working days in that month. In 1997, the respondent-management issued notices to the appellants that their services were no more required. Aggrieved by the same, the appellants-workers challenged their termination before the Assistant Labour Officer, Jaipur. The Labour Officer accepted that there was an industrial dispute and issued notice for conciliation under section 10 of the Industrial Disputes Act, 1947. But the conciliation failed. Thereafter, the State Government referred the matter to the Industrial Tribunal.

The labour court held that the termination of the appellants was in violation of section 25F of the Industrial Disputes Act, 1947. It directed the respondent-management to reinstate the appellants-workers in service with 50% of the back wages. As against that Award, both the appellants and the respondent preferred writ petitions before the High Court. Both the writ petitions were heard together by the High Court. The High Court dismissed the respondent's writ petition but quashed the direction of payment of 50% back wages to the appellants since no evidence was led by the appellants-workers that they were not gainfully employed during the period of retrenchment. Aggrieved by the same, both the appellants and the respondent preferred these appeals by special leave.

After hearing learned counsel appearing for the parties and perused the record, we do not find any reason to interfere with the impugned judgment and order passed by the High Court.

Accordingly, these appeals are dismissed.

.....J
[M. Y. EQBAL]

.....J
[R.K. AGRAWAL]

NEW DELHI;
JANUARY 28, 2015.

ITEM NO.57

COURT NO.11

SECTION XV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No.6725/2009

SWADHIN KUMAR MAHARANA & ORS.

Appellant(s)

VERSUS

MANAGEMENT OF EXECUTIVE ENGINEER

Respondent(s)

(With office report) (For final disposal)

WITH C.A. No.6726/2009

(With appln.(s) for directions and Office Report)

Date : 28/01/2015 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.Y. EQBAL

HON'BLE MR. JUSTICE R.K. AGRAWAL

For Appellant(s) Mr. Vinoo Bhagat, Adv.
 Mr. Rutwik Panda, Adv.
 Ms. Anshu Malik, Adv.

Mr. Ashok Panigrahi, Adv.

For Respondent(s) Mr. Ashok Panigrahi, Adv.
 Mr. Santosh Kumar, Adv.
 Ms. Ashmi Mohan, Adv.

Mr. Rutwik Panda, Adv.

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

These appeals are dismissed in terms of the signed order.

(SANJAY KUMAR-II)
COURT MASTER

(INDU POKHRIYAL)
COURT MASTER

(Signed Order is placed on the file)