

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 9140 OF 2017
[@ SPECIAL LEAVE PETITION (C) NO. 18174 OF 2017]
(@ DIARY NO(S). 15212/2017)

RAJEEV KUMAR

PETITIONER(S)

VERSUS

LIFE INSURANCE CORPORATION OF INDIA & ORS.

RESPONDENT(S)

J U D G M E N T

KURIAN, J.

Delay condoned.

2. Leave granted.

3. The appellant approached the High Court, aggrieved by the denial of work by Respondent No.1/Corporation.

4. In the nature of order we propose to pass, it is not necessary to issue notice, in our view.

5. It appears that the appellant has approached the High Court challenging the denial of work and initially the appellant was granted an interim relief. However, the writ petition was subsequently disposed of by holding that the remedy open to the appellant is to take recourse to the alternative remedy as per Industrial Disputes Act. According to the appellant, unfortunately the judgment was not communicated to him and, therefore, there was considerable delay in approaching the High Court, in appeal. The Division Bench dismissed the appeal holding that there is a huge delay of more than eleven years in approaching the Division Bench.

6. Having regard to the submission of the learned counsel for the petitioner, we are of the view that the appellant, in the interest of justice, should be granted liberty to take recourse to the alternative remedy as pointed out by the learned Single Judge in the judgment in Civil Misc. Writ Petition No.1072 of 2005, which reads as follows:-

"Heard learned counsel for the respondents. Learned counsel for the petitioner is not present. Perused the record.

Learned counsel for the respondents has produced the judgment dated 27.7.2004 rendered in Civil Misc. Writ Petition NO.3281 of 2003 (Ved Bhushan v. The Divisional Manager/Senior Manager, L.I.C. Branch Office Muzaffarnagar). He contends that the facts of the present writ petition are covered by the aforesaid judgment under which the petitioner has alternative remedy.

The writ petition is accordingly dismissed on the ground of alternative remedy. No order as to costs."

7. Accordingly, the appeal is disposed of making it clear that in case the appellant takes recourse to the remedy, as pointed out by the learned Single Judge in view of the decision in Ved Bhushan v. The Divisional Manager/Senior Manager, L.I.C. Branch Officer Muzaffarnagar, within a period of two months from today, the same may not be dismissed by the Forum on the ground of delay.

8. The appeal is, accordingly, disposed of.

9. Pending applications, if any, shall stand disposed of.

10. There shall be no orders as to costs.

.....J.
[KURIAN JOSEPH]

.....J.
[R. BANUMATHI]

NEW DELHI;
JULY 17, 2017.

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Diary No(s) . 15212/2017

(Arising out of impugned final judgment and order dated 30-01-2017 in SAD No. 44/2017 passed by the High Court Of Judicature At Allahabad)

RAJEEV KUMAR

PETITIONER(S)

VERSUS

LIFE INSURANCE CORPORATION OF INDIA & ORS.

RESPONDENT(S)

(WITH APPLN(S) FOR CONDONATION OF DELAY IN FILING SLP AND EXEMPTION FROM FILING O.T.)

Date : 17-07-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MRS. JUSTICE R. BANUMATHI

For Petitioner(s) Mr. P.D. Sharma, AOR

For Respondent(s)

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

Delay condoned.

Leave granted.

The appeal is disposed of in terms of the signed judgment.

(NARENDRA PRASAD)
COURT MASTER (SH)

(RENU DIWAN)
ASST. REGISTRAR

(Signed "Non-Reportable" Judgment is placed on the file)