

NON-REPORTABLE

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NO(S). 8685-8686/2018
(ARISING FROM SLP(C) No(s).31952-31953/2017)**

EMMANUEL LALITH KUMAR

APPELLANT(S)

VERSUS

THE ORTHODOX SYRIAN CATHOLIC EDUCATIONAL SOCIETY (R) RESPONDENT(S)

J U D G M E N T

KURIAN, J.

Mr. Mahesh Rao, Regional Joint Director, Department of Collegiate Education, Mangalore, Karnataka, is present before this Court today. He has also filed an affidavit in compliance of the order dated 9.7.2018 and has also tendered unconditional apology.

2. In view of the affidavit, further proceedings against Mr. Mahesh Rao, Regional Joint Director, Department of Collegiate Education, Mangalore, Karnataka, are dropped.

3. The State of Karnataka, represented by the Secretary, Higher Education and the Commissioner of Collegiate Education, Karnataka, will stand impleaded

as additional respondents.

4. Mr. V.N. Raghupathy, learned counsel, waives service of notice for the newly impleaded respondents.

5. Leave granted.

6. The appellant is before this Court with a long pending dispute arising out of the disciplinary proceedings initiated against him by the respondent/Society.

7. Thanks to the efforts taken during the mediation conducted at the Bangalore Mediation Centre, the parties have reached a settlement on some of the main disputes between the appellant and the Management of the respondent/Society (hereinafter referred to as, 'the Management'). The Management has agreed to reinstate the appellant in service, without back-wages, subject to reasonable compensation.

8. Accordingly, pursuant to the orders passed by this Court, the appellant has been reinstated. Still further, on a representation filed by the appellant, as directed by this Court, the Management has appointed him as Head of the Department. The salary, after reinstatement, has also been paid by the Directorate of Collegiate Education, pursuant to the directions of this Court. The surviving grievance is with respect to the salary and compensation for the period he has been kept out of service i.e. from 2007 to March, 2018 and the fixation of increments.

9. Having regard to the entire facts and circumstances of the case, we are of the view that complete justice between the parties can be done in case the appellant is treated to be in continuous

service for all purposes from the date of his termination in the year 2007, except for the actual back-wages. Ordered accordingly. In other words, the Government, Directorate and the Management shall see that the appellant is treated to be in service for all purposes by fixing his annual increments and fixing his pay accordingly.

10. However, the appellant shall not be entitled to any actual monetary benefits arising out of such fixation till the date of his reinstatement on 16.03.2018.

11. We direct the Government, Directorate and the Management to comply with this direction of fixation of increments within a period of one month from today. The monetary benefits arising out of such fixation shall also be disbursed within a month thereafter. The impugned order shall stand modified to the above extent.

12. In order to facilitate the respondent/Government/Directorate to take action as above, the appellant is directed to handover his original Ph.D. Certificate to the Management within a week from today. The Management shall return the same after verification. However, we make it clear that this process of verification shall not be taken as a ground for not complying with the directions we have already issued.

13. The appeals are, accordingly, disposed of. All other proceedings against the appellant are also dropped with a reminder to both the sides that they have a holy duty to impart education and mould the young minds and they should lead by example.

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

15. There shall be no orders as to costs.

.....J.
[KURIAN JOSEPH]

.....J.
[SANJAY KISHAN KAUL]

NEW DELHI;
AUGUST 27, 2018.