

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 11338 OF 2018  
[@ SPECIAL LEAVE PETITION (C) NO. 11625 OF 2018]

R.U. PATEL - ASSISTANT TEACHER

Appellant (s)

VERSUS

COMMISSIONER (SCHOOLS) GUJARAT STATE & ORS.

Respondent(s)

J U D G M E N T

KURIAN, J.

1. Leave granted.

2. It is a case where pursuant to the disciplinary proceedings initiated against the appellant teacher, he was terminated from service. At one stage, the respondent - Management had taken a resolution that the appellant could be reinstated subject to the condition that he would forego backwages and that the punishment of reduction of two increments will be imposed on him.

3. It appears that on account of a miscommunication, the settlement did not work out. The Management, thereafter, terminated the services of the appellant. The High Court upheld

the termination.

4. When the matter reached this Court, we found that there was a proposal by the Management that in case the appellant was willing to tender an unconditional apology, forego backwages and serve the punishment of reduction of two increments, the Management was prepared to reconsider its stand and take him back in service.

5. Having heard the learned counsel appearing for the appellant and the learned counsel appearing for the Management, we are of the view that it is in the interest of the parties that the disputes are finally settled in the spirit of the original proposal for settlement. Accordingly, this appeal is disposed of as follows :-

i) The appellant will tender an unqualified and unconditional apology, in writing, to the Management within two weeks from today.

ii) On receipt of such an apology, the Management will reconsider its stand of termination of his services and pass order for reinstatement of the

appellant in service subject to the further condition that the appellant shall not be entitled for any backwages from the date of suspension till the date of reinstatement.

iii) The Management is also free to impose punishment of barring of two increments without cumulative effect.

iv) Needless to say that on such reinstatement, the services shall be treated as continuous for all other purposes.

No costs.

.....J.  
[ KURIAN JOSEPH ]

.....J.  
[ HEMANT GUPTA ]

New Delhi;  
November 26, 2018.