



NON-REPORTABLE

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

**CIVIL APPEAL NO. _____ OF 2025
(@ SLP(C) NO. 12310 OF 2023)**

U.P. POWER CORPORATION LTD. & ANR. ... APPELLANTS

-VERSUS-

SATYA RAM & ANR.

... RESPONDENTS

J U D G M E N T

SANJAY KUMAR, J.

1. Leave granted.
2. Challenge in this appeal is to the judgment and order dated 20.02.2023 passed by the High Court of Judicature at Allahabad, Lucknow Bench, in Writ C. No. 14303 of 2021. Thereby, the High Court confirmed the direction issued by the Deputy Labour Commissioner, Devi Patan Division, Gonda, to the appellant to pay each of the two workers, viz., the respondents herein, a sum of ₹3,26,651/-, aggregating to

₹6,53,302/-.

3. By order dated 10.07.2023, while issuing notice in this matter, this Court directed that no coercive steps should be taken against the officers of the appellant, mentioned in the impugned judgment and order.

4. It is an admitted fact that the two respondents entered the services of the appellant, viz., the Uttar Pradesh Power Corporation Ltd., on 01.01.1971 and 26.02.1973 respectively. Their engagement was on daily wage basis. Their services are stated to have been terminated on 19.09.1979 and 01.02.1979 respectively.

5. Aggrieved by such termination from service, they raised an industrial dispute, along with others, in ID No. 159 of 1990 before the Labour Court, Faizabad, Uttar Pradesh. By Award dated 07.12.1995, the Labour Court held that, insofar as the two respondents were concerned, their disengagement from service was illegal and directed that they should be deemed to have continued in service and they would, accordingly, be entitled to salary and other benefits.

6. The respondents then moved an application under Section 6H (1) of the Uttar Pradesh Industrial Disputes Act,

1947. The same was taken on file as Case No. 6(H)(1) R.C. Case No. 01 of 2014 by the Deputy Labour Commissioner, Devi Patan Division, Gonda.

7. The grievance of the respondents, as set out in the said application was that, despite the Award dated 07.12.1995 passed by the Labour Court, Faizabad, Uttar Pradesh, they were not taken back into service but were paid ₹7,05,662/- each on 03.05.2016. This payment was ostensibly for the period up to 31.12.2014. Their prayer in the application was that they should be paid for the period 01.01.2015 to 31.05.2018 in compliance with the Award dated 07.12.1995. This prayer was accepted by the Deputy Labour Commissioner, by order dated 05.04.2021, and she directed the appellant to pay each of them ₹6,53,302/- for that period. Assailing the said order, the appellant approached the High Court by way of Writ – C No. 14303 of 2021. However, the High Court did not agree with the appellant that the respondents were not entitled to be paid salary for the period in question and dismissed the writ petition.

8. First and foremost, we may note that the two respondents were engaged in service by the appellant in 1971 and 1973. There is no material on record to indicate what their

ages were at that time. However, we shall presume that they would have been majors, i.e., at least 18 years old, when they were engaged in the service of the appellant, a State instrumentality. If that be so, they would attain the age of 60 years in 2013 and 2015 respectively. In any event, they would have rendered about 40 years' service by 2013.

9. This aspect of the matter was completely ignored by the High Court, which seems to have blindly acted upon the claim of the respondents that they were 55 years old in 2018 and were entitled to continue in service till 2023. Accepting their claim would mean that they were aged about 8 years and 10 years respectively when they entered the service of the appellant, which is quite unbelievable.

10. We, therefore, hold that the Deputy Labour Commissioner, Devi Patan Division, Gonda, erred in directing payment of salary to the respondents for the period 01.01.2015 to 31.05.2018. This erroneous order ought not to have been confirmed by the High Court, ignoring the aforesaid factual aspects.

11. The appeal is accordingly allowed. In consequence, the impugned judgment and order dated 20.02.2023 passed by the High Court of Judicature at Allahabad, Lucknow Bench, in

Writ C. No. 14303 of 2021, and the order dated 07.12.1995 passed by the Deputy Labour Commissioner, Devi Patan Division, Gonda, in Case No. 6(H)(1) R.C. Case No. 01 of 2014, are set aside.

Pending application(s), if any, shall stand disposed of.

....., J.
[SANJAY KUMAR]

....., J.
[AUGUSTINE GEORGE MASIH]

**NEW DELHI;
MARCH 05, 2025.**

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

Petition(s) for Special Leave to Appeal (C) No(s). 12310/2023

[Arising out of impugned final judgment and order dated 20-02-2023 in WC No. 14303/2021 passed by the High Court of Judicature at Allahabad, Lucknow Bench]

U.P. POWER CORPORATION LTD. & ANR.

Petitioner(s)

VERSUS

SATYA RAM & ANR.

Respondent(s)

Date : 05-03-2025 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KUMAR

HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

For Petitioner(s) :

Mr. Rakesh Uttamchandra Upadhyay, AOR

Ms. Aarti U. Mishra, Adv.

Mr. Harsh Som, Adv.

Mr. Ravish Chandra Pathak, Adv.

For Respondent(s) :

Mr. Pranaya Kumar Mohapatra, AOR

Mr. Haraprasad Sahu, Adv.

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

1. Leave granted.
2. The appeal is allowed in terms of the signed judgment.
3. Pending application(s), if any, stand disposed of.

(DEEPAK SINGH)

ASTT. REGISTRAR-cum-PS

(ANJU KAPOOR)

COURT MASTER (NSH)

[Signed judgment is placed on the file]