

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). **OF 2022**
(Arising from SLP(C) No(s). 38123-38124/2013)

SUKH LAL PRAJAPATI

APPELLANT(S)

VERSUS

STATE OF M.P & ORS.

RESPONDENT(S)

O R D E R

Delay condoned.

Leave granted.

The appellant assail the judgments of the High Court of Madhya Pradesh dated 29.08.2011 and 03.05.2013 dismissing his plea for reinstatement and back wages because of his termination without following the provisions of Section 25 F of the Industrial Disputes Act, 1947. The order of the Labour Court went against the appellant and thereafter the appellant had invoked the

constitutional writ jurisdictional of the High Court unsuccessfully.

Signature Not Verified

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NIRMALA Negi
Date: 2024.11.14
18:17:38 IST
Reason:

At the time of hearing of these appeals, we are apprised that a similar matter was decided in favour of the employees by the High

Court of Madhya Pradesh Bench at Gwalior in the case of *Writ Petition No.2222 of 2010(s) titled Mahip Kumar Rawat vs. State of M.P. & Ors.* That judgment was delivered on 27.06.2011. The High Court in that case had directed:-

"14. Consequently, the petition filed by the petitioner is allowed with the following directions:-

- i) The impugned award, Annexure-P/1 dated 23.09.2009, is hereby quashed.*
- ii) The reference is answered in favour of the petitioner by holding that the termination of services of the petitioner w.e.f. 1.3.99 is illegal and void ab initio.*
- iii) The petitioner is entitled for reinstatement and other service benefits.*
- iv) It is further held that the petitioner shall be entitled the salary as the salary he was getting before his termination of service including D.A.*
- v) It is further held that the petitioner shall be entitled 50% backwages. The order be complied with within a period of three months from the date of receipt of the copy of this order.*
- vii) No order as to costs."*

The petition for special leave to appeal against that judgment was dismissed in Civil Appeal No.6302/2012 by a Coordinate Bench of this Court on 02.03.2020. The said appeal was filed by State of Madhya Pradesh.

Learned Deputy Advocate General appearing for the State of Madhya Pradesh informs this Court, on instruction, that the position of the appellant herein is similar to that of the writ

petitioner(s) in the case of **Mahip Kumar Rawat** (supra). As he is a similarly situated employee, we do not think a contrary stand ought to be taken in the case of appellant. We have gone through the judgment of the Division Bench of the High Court which was sustained by this Court and agree with the reasoning contained therein.

In such circumstances, we set aside the judgment impugned in these appeals and the order of the Labour Court, Gwalior shall also stand set aside. The award passed on 27.07.2007 is quashed. The appellant is entitled to reinstatement and other service benefits with 50% back wages and we order accordingly. In the event the appellant has already attained the age of superannuation, then the question of his reinstatement would not arise, but he shall be paid back wages and other financial benefits in such a situation. Such payment shall be made within a period of three months from the receipt of the copy of this order.

The appeals are, accordingly, allowed in the above terms.

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

There shall be no order as to costs.

.....J.
[ANIRUDDHA BOSE]

.....J.
[VIKRAM NATH]

New Delhi;
November 07, 2022.

ITEM NO.56

COURT NO.13

SECTION IV-C

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

Petition(s) for Special Leave to Appeal (C)Nos.38123-38124/2013

(Arising out of impugned final judgment and orders dated 29-08-2011 in WP No. 5146/2008(S) & 03-05-2013 in RP No. 269/2011 passed by the High Court Of M.P At Gwalior)

SUKH LAL PRAJAPATI

VERSUS

PETITIONER(S)

STATE OF M.P & ORS.

RESPONDENT(S)

(OFFICE REPORT FOR DIRECTION (FORMAL DISPOSAL)

IA No. 1/2013 - CONDONATION OF DELAY IN FILING

IA No. 3/2013 - C/DELAY IN REFILING / CURING THE DEFECTS)

Date : 07-11-2022 These matters were called on for hearing today.

**CORAM : HON'BLE MR. JUSTICE ANIRUDDHA BOSE
 HON'BLE MR. JUSTICE VIKRAM NATH**

For Petitioner(s) Mr. Nipun Saxena, Adv.
 Ms. Astha Sharma, AOR
 Mr. Ravinder Singh, Adv.
 Ms. Raveesha Gupta, Adv.
 Ms. Mantika Haryani Adv.
 Mr. Sanjeev Kaushik, Adv.
 Mr. Shreyas Awasthi, Adv.
 Mr. Archit Adlakha, Adv.
 Ms. Somya Saxena, Adv.

For Respondent(s) Mr. Mukul Singh, Dy.AG
 Mr. Sunny Choudhary, AOR

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

Delay condoned.

Leave granted.

**The appeals are allowed in terms of the signed order, which
 is placed on the file.**

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

**(NIRMALA NEGI)
 COURT MASTER (SH)**

**(VIDYA NEGI)
 ASSISTANT REGISTRAR**