

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

CIVIL APPEAL NO.13319 OF 2026

KALLU KHAN

APPELLANT

VERSUS

DISTRICT EDUCATION OFFICER

RESPONDENT

O R D E R

1. We are in this Civil Appeal concerned with the correctness of the order dated 11.02.2026 passed by the Division Bench of the Rajasthan High Court¹ in D.B. Review Petition (Writ) No.31 of 2026. By the said order, the Division Bench declined to recall its earlier order dated 04.08.2025 by which it modified the relief that was granted to the appellant, in the form of a direction for reinstatement with continuity in service and payment of 50 percent backwages with lumpsum monetary compensation of ₹5,00,000/-.

2. Pursuant to liberty granted to the appellant to raise a dispute under the provisions of the Industrial Disputes Act, 1947², for

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ABHINAV KUMAR
Date: 2026.10.06
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Reason: —

¹ For short, 'the High Court'

² For short, 'the Act of 1947'

seeking redressal of his grievance that his services as a contractual daily wager had been unlawfully terminated, the appellant filed a dispute under Section 2A(2) of the Act of 1947. The Labour Court passed an award on 18.02.2020 and directed his reinstatement in service with continuity, full backwages and other consequential benefits. In the writ petition preferred by the respondent, a learned Single Judge of the High Court on 05.03.2021, partly allowed the said writ petition and modified the award passed by the Labour Court. While maintaining the direction to reinstate the appellant, the backwages were reduced from 100 per cent to 50 per cent. In the writ appeal preferred by the respondent, the Division Bench by its order dated 04.08.2025, substituted the relief of reinstatement and grant of 50 per cent backwages with the relief of monetary compensation of ₹5,00,000/-.

3. The appellant challenged the order dated 04.08.2025 before this Court by filing SLP(C) No.34608 of 2025. On 12.12.2025, this Court declined to interfere with the impugned order under Article 136 of the Constitution of India. The special leave petition was dismissed with liberty to the appellant to take appropriate steps that may be available in law. Pursuant to the aforesaid order, the appellant sought review of the order dated 04.08.2025, passed by

the Division Bench. The review petition preferred by the appellant was, however, dismissed on 11.02.2026. It is this order that the appellant has sought to challenge in the present appeal. On 18.06.2026, this Court had issued notice in the present proceedings. Despite service, the respondent did not choose to contest the appeal. Hence, on 24.09.2026, the respondent was set *ex-parte*. In the aforesaid backdrop, the learned counsel for the appellant was heard.

4. Having considered the material on record, it is seen that the order dated 04.08.2025 passed by the Division Bench in special writ appeal by which monetary compensation of ₹5,00,000/- was awarded to the appellant in lieu of reinstatement in service was unsuccessfully challenged by the appellant before this Court. It would, therefore, not be permissible for this Court to again re-examine the correctness of the order dated 04.08.2025. The order dated 11.02.2026 rejecting the recall application also does not call for interference. However, in the peculiar facts of the present case, it is seen that the appellant had served as a contractual daily wager from 19.11.1990 to 01.09.1998. Coupled with the fact that the appellant was pursuing his remedies since 10.09.1998 which culminated into the order dated 04.08.2025 and that, if reinstated,

the appellant would have served for a period of three more years, we are of the view that award of monetary compensation of ₹7,50,000/- would serve the ends of justice. We reiterate that this order is passed in the peculiar facts of the present case and same shall not be treated as a precedent. The aforesaid monetary compensation be paid to the appellant within a period of one month from today. The Civil Appeal is disposed of in the aforesaid terms. The pending Interlocutory Application is also disposed of.

.....J.
[UJJAL BHUYAN]

.....J.
[ATUL S. CHANDURKAR]

NEW DELHI,
OCTOBER 06, 2026.