

Chief Engineer, Rajasthan State Electricity Board, Jaipur

Vs

Judge, Additional Labour Court, Rajasthan and Others

Civil Appeal No. 785 of 1984

(M. H. Kania, R. M. Sahai JJ)

11.09.1990

### JUDGMENT

1. This appeal by special leave is directed against order dated October 13, 1983 passed by the Rajasthan High Court in Writ Petition No. 482 of 1978. The petition was filed by Chief Engineer Rajasthan State Electricity Board against award of the Labour Court directing reinstatement of respondent, a Junior Engineer, as termination of his service or retrenchment was in violation of principle of natural justice. The High Court affirmed the order as termination from service also amounted to retrenchment. The question whether termination meant retrenchment has been answered in affirmative by the Constitution Bench in Civil Appeal Nos. 3241-48 of 1981 decided on May 4, 1990. The appeal is thus liable to fail.

2. What survives for consideration, therefore, is computation of amount payable to respondent as he had superannuated, during pendency of appeal, in this Court on July 8, 1987. It is not in dispute that respondent was in employment with Man Structural Ltd. till 1983. It shall be open to appellant to establish if respondent was employed anywhere else between 1983 to 1987. During pendency of writ petition the High Court had stayed implementation of award on condition that respondent was paid Rs. 200 per month. Same order was passed by this Court when leave was granted.

3. The appeal is, therefore, decided by directing the Labour Court to compute the amount liable to be paid to respondent, as Junior Engineer from the date of termination to date of superannuation minus the amount received by him in course of employment and Rs. 200 per month paid under direction of High Court and this Court within a period of six weeks from the date a copy of this order is produced. After computation, the appellant shall be granted 4 weeks time to pay the same to the respondent. Parties shall bear their own costs.

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