

# SUPREME COURT OF INDIA

Ved Prakash Agarwal

Vs.

Chairman, U.P. State Sugar Corporation Ltd.

(S.B. Majmudar and S.N. Phukan JJ.)

16.08.2000

## ORDER

1. Leave granted.

2. We have heard the appellant-in-person and the learned Counsel for respondent No. 1 finally in this appeal. Respondent Nos. 2 and 3 are not contesting respondents.

3. The short question is whether the High Court was justified in dismissing the Writ Petition No. 2667 of 2000, filed by the appellant-in-person only on the ground of delay. The High Court proceeded on the basis that the appellant had challenged the validity of the award, dated 14th May, 1980. The appellant had subsequently succeeded and had got an order of reinstatement by award, in his favour on 2nd May, 1999. Consequently, the aforesaid observation is factually not borne out. The grievance of the appellant-in-person before us in these proceedings was that in the writ petition which he had filed, he had made a grievance regarding his alleged illegal termination from service and not implementing the award on the basis that the appellant is said to have retired on 6th January, 1996. According to him, his correct date of birth is 16th April, 1943 and he would retire only in the year 2003. This submission is vehemently opposed by learned Counsel for respondent No. 1, who says that he had correctly retired on 6th January, 1996. We are not called upon to resolve this controversy which was raised in the writ petition and which unfortunately, was not considered by the High Court in the impugned judgment. All that we can say is that the matter requires to be reconsidered on this aspect. Only on this short ground and without expressing any opinion on the merits of the controversy between the parties, this appeal is allowed. The impugned judgment of the High Court is set aside. Writ Petition No. 2667 of 2000 is restored to the file of the High Court with a request to consider the only question as to whether the appellant can be said to have validly retired on 6th January, 1996 or whether in the light of any other birth date, he is entitled to be retired on any later date. All these questions will have to be examined on their own merits in the remanded proceedings, after hearing the parties and after giving them opportunity to lead whatever documentary evidence they want to lead. We may mention that against the award of reinstatement and back wages, dated 2nd May, 1999, as passed in favour of the appellant-in-person which, according to respondent No. 1, is an ex parte award, a writ petition, being Writ Petition No. 9202 of 2000, is already filed by respondent No. 1 in the High Court and which is pending. As the present proceedings will also have a direct linkage with the question of reinstatement and back wages, pursuant to the aforesaid award, it would be appropriate to direct that the remanded writ petition of

the appellant, pursuant to the present order may be heard along with Writ Petition No. 9202 of 2000, filed by respondent No. 1 and which is pending in the High Court.

4. As the question of appellant's reinstatement and back wages is pending since long, we deem it fit to request the High Court to make it convenient to decide the remanded writ petition along with the writ petition filed by respondent No. 1 at the earliest and preferably within six months from today.

5. A copy of this order may be sent to the Registrar of the High Court for placing the same before Hon'ble, the Chief Justice of the High Court for doing the needful in this connection.

6. The Civil Appeal is allowed accordingly.

7. No costs.