

SUPREME COURT OF INDIA

Awadesh Chandra Agarwal

Vs.

Divisional Manager, L.I.C. of India

C.A.Nos.1252-1253 of 2005

(Tarun Chatterjee and V.S.Sirpurkar JJ.)

11.11.2008

ORDER

1. These appeals are directed against the final judgment and order dated 23rd of February, 2004 in CMWP No.8501 of 1999 and also the final judgment and order dated 4th of March, 2004 in CMWP No. 19749 of 1988 passed by a learned Judge of the High Court of Judicature at Allahabad by which the High Court had allowed the writ petition filed by the appellant holding that the appellant had not continuously worked for 240 days and thus the award passed by the Labour Court dated 28th of September, 1998 was set aside. At the same time, the High Court had allowed a writ petition (W.P.No.19749 of 1988) filed by the appellant setting aside the order dated 30th of November, 1987 passed by the Labour Court for computation of monetary benefits amounting to Rs.9559.88 towards wages under Section 33-C(2) of the *Industrial Disputes Act, 1947*. Without finally determining the question whether the High Court was entitled to interfere with the findings of fact arrived at by the Labour Court while computing the period of work of 240 days of the appellant, we are of the view that these appeals may be disposed of by directing the respondent-L.I.C. to pay Rs.40, 000/- as final compensation in lieu of reinstatement and other benefits.

2. Accordingly, the appeals are disposed of with a direction that the respondent shall pay a total sum of Rs.40,000/- to the appellant in lieu of reinstatement and other benefits which were available to him, if reinstatement of the appellant was effected, within a period of three months from this date. In default of payment of the aforesaid sum of Rs.40,000/- to the appellant within the time specified hereinabove, the order of the High Court shall stand set aside and the award passed by the Labour Court shall stand restored.

3. This will not be cited as a precedent in other cases.

4. The appeals are thus disposed of accordingly. There will be no order as to costs.