

SUPREME COURT OF INDIA

U.P. State Road Transport Corporation

Vs.

Bhagyawati

S.L.P.(C)No.14882 of 2007

(Tarun Chatterjee J.)

17.04.2009

ORDER

1. This Special Leave Petition has been filed against an interim order granted by the High Court of Judicature at Allahabad in the following manner:-

“In view of the fact that the workman K.K. Srivastava died during he pendency of the proceedings before the Labour Court, consequently, the effect and operation of the Award dated 21.09.2006 shall remain stayed, provided the petitioner gives an appointment to the widow, namely Smt. Bhagyawati, respondent No. 1 under the dying-in-Harness Rules, 1974 within a period of six weeks from today. The appointment given to the 1 respondent no. would be subject to the result of the writ petition.”

2. It is this interim order which is challenged by the petitioner, U.P. State Road Transport Corporation (in short, "Corporation") before us. While entertaining this Special Leave Petition on 31st of August, 2007, this Court passed the following order:-

“Application for exemption from filing O.T. is allowed.

Issue notice.

There shall be interim stay of the impugned order until further orders.”

3. This Special Leave Petition again came up before a Bench of this Court on 20th of October, 2008 when the learned counsel for the petitioner had prayed for a short adjournment to take instructions as to whether they can give appointment to the widow of the workman. Accordingly, the matter was adjourned on that date for three weeks. Finally, the matter came up for hearing on 13th of April, 2009.

4. Mr. Pradeep Misra, learned counsel appearing on behalf of the petitioner, submitted on instruction that the Corporation is willing to appoint the widow of the deceased workman in

the Corporation under the *Dying-in-Harness Rules, 1974* within a period of three months from this date if the widow/respondent No.1 is willing to forgo her claim for back wages. It appears from the record that an affidavit was filed before the High Court by the widow/respondent No. 1 stating that if she was given an employment, she will forgo the claim for back wages.

5. Learned counsel appearing on behalf of respondent No. 1/widow also submitted on instruction before us that the stand taken by her in the High Court still stands good and she is agreeable to forgo the claim for back wages if she is given an employment in the Corporation.

6. Such being the stand taken by the parties, we therefore dispose of this Special Leave Petition in the following manner:-

“(a) The Corporation shall give a suitable employment to the widow of the deceased employee under the *Dying- in-Harness Rules, 1974* in the Corporation within three months from the date of passing of this order, subject to the condition that the widow of the deceased employee, who 4 is the respondent No. 1 herein, shall forgo her claim for back wages.

(b) In view of this order passed on settlement, the writ petition now pending before the High Court at Allahabad is automatically disposed of.”

7. With these directions, this Special Leave Petition is disposed of. There will be no order as to costs.