

SUPREME COURT OF INDIA

M.D.Orissa S.H.W Coop.Sty.Ltd.

Vs.

Satyanarayan Pattnaik

C.A.Nos.1967-68 of 2014

(Anil R.Dave and Dipak Misra JJ.)

11.02.2014

JUDGMENT

ANIL R. DAVE, J.

1. Leave granted.

2. Heard the learned counsel and perused the impugned judgment dated 14th May, 2010 delivered in W.P.(C) No. 10291 of 2006 and order dated 24th October, 2011 in R.P.No.131 of 2010 delivered by the High Court of Orissa.

3. The respondent was an employee, who had submitted his application for voluntary retirement under the Voluntary Retirement Scheme dated 9.6.2006 floated by the appellant-employer. Before the final decision in pursuance of the said application was communicated by the appellant-employer to the respondent-employee, the respondent- employee had made a request for withdrawal of the said application and ultimately the appellant-employer had not accepted the application for withdrawal submitted by the respondent-employee and the respondent-employee was made to retire.

4. In view of the fact that his application for voluntary retirement was accepted though the respondent-employee wanted to withdraw the same, the respondent-employee had filed a petition before the High Court, which was allowed and the High Court, by virtue of the impugned judgment, directed that the respondent-employee should be taken in service within two months with full back wages. Even the review petition filed by the appellant had been rejected by the High Court.

5. Keeping the question of law open, looking at the peculiar facts of the case, we feel that the appeal deserves to be allowed to a limited extent by directing the appellant-employer to pay only 20% of the back wages from the date when the respondent ceased to discharge his duties till the date he is reinstated in service.

6. The respondent shall be reinstated in service within two weeks from today.

7. In view of the above order, the appeals stand disposed of as partly allowed with no order as to costs.