

SUPREME COURT OF INDIA

The Chief Engineer (General) Public Works Department

Vs.

S.Patrajan

C.A.No.10303 of 2010

(Abhay Manohar Sapre and S.Abdul Nazeer,JJ.,)

20.09.2018

JUDGMENT

Abhay Manohar Sapre, J.,

1. This appeal is directed against the final judgment and order dated 29.10.2008 of the High Court of Judicature at Madras in Writ Appeal No.2707 of 1999 whereby the Division Bench of the High Court allowed the appeal filed by the respondent herein and set aside the order dated 08.04.1989 passed by the Single Judge of the High Court in Writ Petition No.10708 of 1991.

2. The issue involved in this appeal is very short as would be clear from the narration of facts hereinbelow.

3. The appellants are the officials of the Public Works Department (PWD) of the State of Tamil Nadu and thus represent the interest of the State of Tamil Nadu in this case. The respondent claimed to be working in the PWD of the State of Tamil Nadu as NMR Electrical helper (skilled worker) since 1977. The respondent claimed to be working in the Electrical wing of PWD till October 1990 when he complained that his services were discontinued. This gave rise to filing of the writ petition (WP No. 10708 of 1991) by the respondent in the High Court of Madras in July, 1991 wherein he prayed to treat him as continuing in service since inception (1977) and also for regularization in the State services and, in consequence, to award him all the service benefits including monetary benefits as regular State employee etc.

4. The Single Judge of the High Court, by his order dated 08.04.1999, dismissed the writ petition on the ground that the remedy of the respondent herein lies in approaching the appropriate forum under the Industrial Disputes Act, 1947. The respondent felt aggrieved and filed an intra court appeal before the Division Bench.

5. By impugned order, the Division Bench of the High Court allowed the writ appeal and directed the appellants to reinstate the respondent and pay 50% of the back wages, which has

given rise to filing of the present appeal by way of special leave by the PWD, State of Tamil Nadu through the aforementioned State officials in this Court.

6. Heard Ms. Maitreyee Mishra, learned counsel for the appellants and Mr. K. Radhakrishnan, learned senior counsel for the respondent.

7. Having heard the learned counsel for the parties and on perusal of the record of the case, we are inclined to dispose of this appeal as indicated below.

8. At the outset, it was stated by the learned counsel appearing for the parties that the respondent(employee) has long back attained the age of superannuation and, therefore, so far as the direction to reinstate him in service of the PWD is concerned, the same is rendered ineffective and, therefore, it cannot be given effect to.

9. It is not in dispute that the respondent was working with the PWD of the State of Tamil Nadu for a long time and rendered his services as a skilled worker from 1977 till 1991.

10. Having regard to the totality of the circumstances appearing in the case, we are of the opinion that interest of justice would demand that this appeal is disposed of finally by directing the appellants to pay in lump sum an amount of Rs.1,00,000/- (one lakh) to the respondent in full and final satisfaction of all his claims arising out of this case.

11. In other words, once the appellants pay a sum of Rs.1,00,000/- (one lakh) to the respondent, the respondent will have no claim of any nature against the appellants in relation to his services and all the disputes including the one which is the subject matter of this appeal stand decided.

12. We, however, make it clear that this order is passed due to peculiar facts involved in the case at hand. This order will not, therefore, be treated as precedent to claim a relief of this nature in any other case by any workman against the appellants.

13. In the light of the order that we have passed, it is not necessary to consider any other legal submissions urged by the parties, we, therefore, decline to examine the legal issues arising in the case and dispose of the appeal with the aforementioned directions.

14. The appellants would pay the aforementioned amount to the respondent within 3 months from the date of this order.

15. The appeal stands accordingly disposed of finally.