

SUPREME COURT OF INDIA

Regional Manager, Life Insurance Corporation of India

Vs.

Dinesh Singh

C.A.No.3197 of 2019

(Abhay Manohar Sapre and Dinesh Maheshwari,JJ.,)

26.03.2019

JUDGMENT

Abhay Manohar Sapre,J.,

SLP(C) No.22909 of 2017

1. Leave granted.
2. This appeal is directed against the final judgment and order dated 10.03.2017 of the High Court of Madhya Pradesh at Jabalpur in Writ Petition No. 3067 of 2015 whereby the High Court dismissed the petition filed by the appellant herein.
3. The appeal involves a short point as is clear from the facts stated hereinbelow.
4. The respondent was appointed as a Caretaker on temporary basis by the appellant (LIC) on a fixed salary of Rs. 1000/- p.m. in the year 1994. The respondent's job was to act as a Caretaker of one VIP Guesthouse of the appellant at Bhopal.
5. The appointment of respondent was made under Regulation No. 8 of the Regulations framed under the Life Insurance Corporation Act, 1956, which empowers the officers specified therein to appoint any person of Class III and IV category on temporary basis from time to time.
6. The services of the respondent were brought to an end in the year 2001 by the appellant (LIC) which gave rise to making a reference to the Industrial Tribunal (CGIT), Jabalpur being No.CGIT/LC/101/2005 by the Central Government for deciding the legality of the termination order of the respondent.
7. By award dated 11.02.2014, the Tribunal answered the reference partly in favour of the respondent. The Tribunal set aside the termination order of the respondent and directed the appellant to reinstate him in their services but without payment of any back wages to him.

8. The appellant (LIC) felt aggrieved by the order of the Tribunal and filed a writ petition in the High Court of MP at Jabalpur. By impugned order, the High Court (Single Judge) dismissed the appellant's writ petition and affirmed the award of the Industrial Tribunal which gives rise to filing of the present appeal by way of special leave in this Court by the appellant(LIC).

9. Heard Mr. Gurukrishan Kumar, learned senior counsel for the appellant and Ms. Anuradha Mutatkar, learned counsel for the respondent.

10. Having heard the learned counsel for the parties and on perusal of the record of the case, we are inclined to allow the appeal and modify the impugned order to the extent indicated below.

11. In our opinion, having regard to the peculiar facts and circumstances of this case coupled with the fact that there were several complaints, which were being regularly received by the appellant against the respondent during his tenure, and further the appellant having lost their confidence on the respondent and also the fact that the respondent was appointed temporarily under Rule 8 of the Regulations to take care of the appellant's guest house and lastly, it is now almost 19 years that the respondent has been out of appellant's services, we are of the view that the interest of justice would be met if a compensation of Rs.One Lakh (Rs.1,00,000/-) is awarded to the respondent in full and final satisfaction in lieu of his right to claim reinstatement in the appellant's services and also in lieu of all his service claims against the appellant. It will also balance the equities between the parties and will put to an end to this litigation.

12. Since we have formed an opinion to dispose of this appeal by awarding to the respondent a lump sum compensation of Rs. one Lakh in lieu of his all claims arising out of this case, we do not consider it necessary to examine any legal issue arising in the case though argued by the learned counsel for the parties in support of their respective contentions.

13. We, however, make it clear that, as mentioned above, this order is passed keeping in view the peculiar facts of this case, which we have taken note of on perusal of the record of this case and hearing the submissions of the learned counsel for the parties.

14. The appellant is accordingly directed to pay a sum of Rs. one Lac (Rs.1,00,000/-) to the respondent within a period of 3 months from today.

15. The appeal is accordingly disposed of. The impugned order is thus modified to the extent indicated above.