

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No. _____ OF 2023
(Arising out of SLP(Civil) No.12259 of 2018)

RAJENDRA PRASAD SHARMA (DEAD) THR. LRS.

Appellant(s)

VERSUS

U. P. STATE ROAD TRANSPORT CORPORATION

Respondent(s)

O R D E R

Leave granted.

The original appellant was employed as a bus conductor on the roll of the respondent-U.P. State Road Transport Corporation. The original appellant was charge sheeted with an allegation that he did not issue tickets to 34 bus passengers. An order of termination of service was passed by the respondent on 31.05.2000. Industrial Dispute was raised by the original appellant which culminated into an award dated 03.01.2009 by which the Labour Court directed reinstatement of the appellant with 50 per cent back wages.

In a Writ Petition filed by the respondent, the High Court has interfered and has held that the order of termination was valid and that the Labour Court decided the case on misplaced sympathy.

During the pendency of this appeal, the original appellant expired and his legal representatives have been brought on record. In terms of the earlier direction of this Court, a sum of Rs.86,922/- has been paid to the appellant(s) representing the gratuity and leave encashment payable to the original appellant.

Even, according to the case of the appellant(s), the original appellant reached age of superannuation on 30.10.2005. Therefore, on 03.01.2009, there was no occasion for the Labour Court to pass an order of reinstatement.

We find from the award of the Labour Court that the High Court is right to an extent, when it observed that the Labour Court has shown misplaced sympathy. We are of the view that stringent penalty of termination could have been converted into a lesser penalty in the facts of the case. The High Court has gone to the other extreme by restoring the order of termination of the appellant.

Considering the passage of time and the facts of the case, we find that by setting aside both the impugned judgments, it will be appropriate, if in exercise of our jurisdiction under Article 142 of the Constitution of India, a direction is issued to the respondent to pay a lump sum compensation of Rs.2 lacs to the appellant(s).

Accordingly, we set aside both the impugned judgments and direct the respondent to pay a sum of Rs.2 lacs to the appellant(s) within a period of two months from today. On the failure of the respondent to pay the amount within two months from today, the amount shall carry interest @ 8% per annum from the date of judgment.

We direct that on behalf of the appellant(s), the amount shall be paid to Appellant No.1/1 (Smt. Mithilesh Sharma), who is the widow of the original appellant.

We direct the learned counsel for the appellant(s) to communicate the account details along with a copy of cancelled

cheque of the account of the appellant no.1/1 to the respondent.

We direct the respondent to directly transfer the amount to the account of the appellant no.1/1.

Accordingly, the appeal is disposed of.

Pending application(s) shall stand disposed of.

.....J.
(ABHAY S. OKA)

.....J.
(SANJAY KAROL)

New Delhi
AUGUST 08, 2023

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).12259/2018

(Arising out of impugned final judgment and order dated 28-02-2018 in WC No. 19664/2010 passed by the High Court Of Judicature At Allahabad)

RAJENDRA PRASAD SHARMA (DEAD) THR. LRS. Petitioner(s)

VERSUS

U. P. STATE ROAD TRANSPORT CORPORATION Respondent(s)

Date : 08-08-2023 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE SANJAY KAROL

For Petitioner(s) Mr. Devvrat, AOR
Mr. Harsh Anand, Adv.
Mr. Devesh Kumar Agnihotri, Adv.
Mr. Aditya Kumar Dubey, Adv.
Mr. Sumit Kansal, Adv.
Ms. Swati Setia, Adv.

For Respondent(s) Ms. Garima Prashad, Sr. Adv.
Mr. Nishit Agrawal, AOR
Mr. Shadab Khan, Adv.
Ms. Kanishka Mittal, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is disposed of in terms of the signed order.

Pending application(s) shall stand disposed of.

(GAGANDEEP SINGH CHADHA)
SENIOR PERSONAL ASSISTANT

(AVGV RAMU)
COURT MASTER (NSH)

(Signed order is placed on the file)