

CASE NO.:
Appeal (civil) 422 of 2007

PETITIONER:
Tej Pal Singh

RESPONDENT:
Union of India & Ors

DATE OF JUDGMENT: 01/02/2007

BENCH:
Dr. AR. LAKSHMANAN & ALTAMAS KABIR

JUDGMENT:
J U D G M E N T
(Arising out of S.L.P.(C)NO.44/2004)

Dr. AR. Lakshmanan, J.

Leave granted.

Heard both sides. The appellant Tej Pal Singh is also present in Court. In this matter, a penalty of removal from service was imposed on the appellant. Against the removal order, the appellant filed an appeal, which was dismissed. Later he challenged the said order before the Tribunal and a further review was also filed. The Tribunal and the Reviewing Authority have also dismissed the respective petitions. Thereupon, he moved a writ petition invoking jurisdiction of the High Court under Article 226 of the Constitution. The High Court also, for the reasons set out at page 4 & 5 of its order, dismissed the writ petition. We have perused the order passed by the High Court and other connected records.

When the matter came up for hearing on 18.10.2006, this Court passed the following order:

"Prima facie, we are of the view that the petitioner had not been afforded proper opportunity to defend himself inasmuch as the Inquiry Officer had refused to summon the witnesses cited by the workman. The dispute has been going on for the last 15 years. It would not be in the interest of justice to start the proceedings all over again. We have suggested to the counsel for the parties to settle the dispute for which they seek time.

Adjourned by four weeks."

Again the matter was listed before this Bench on 15.11.2006, when the court passed the following order:

"A letter is circulated by Mr. Praveen Jain, Advocate for the petitioner that the settlement between the parties is likely to taken some more time and hence he requested that the matter may be adjourned by six weeks. Learned ASG appearing on behalf of the respondent-Union of India also made the similar request as, according to him, the competent authority who has to approve the terms of settlement is not available now.

The matter is adjourned by four weeks for reporting settlement."

Today, the matter is listed before us for reporting settlement.

Learned counsel appearing for the Union of India, on instruction from the respondent, submitted that even though the appellant has lost before almost all the forums, the respondents, taking a lineant view of the matter and also as per the directions of this Court, have considered the matter on sympathetic ground and are ready and willing to pay the last drawn salary of Rs.1672/- p.m. for the last ten years. The total amount comes to Rs.2,00,640/-. In our opinion, the said sum of Rs.2,00,640/- is inadequate.

We, therefore, direct the respondents herein and in particular respondent no.2 to pay a sum of Rs.3,00,000/- (Rupees three lakhs only) in full quit of all the claims by the appellant. We make it clear that the appellant shall not be entitled to any other payment from the respondents. The respondents are directed to pay the said sum of Rs.3 lakhs within six weeks from today, failing which the said amount shall carry interest at 18% till the date of payment. The said sum of Rs.3 lakhs shall be paid by way of Demand Draft payable at Kapurthala and drawn in the name of the appellant herein, namely, Tej Pal Singh. The appellant is directed to collect the Demand Draft from the respondent-in-person.

The appeal is disposed off in the above terms. No costs.