

**IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NO. 8550 OF 2010  
[ARISING OUT OF S.L.P. © NO 9389 OF 2008]**

**THE CHIEF ENGINEER & ORS. . . APPELLANT(S)**

**vs.**

**SRI. PUTTARAJU . . RESPONDENT(S)**

**O R D E R**

**1. Leave granted.**

**2. The respondent herein, a workman was employed as a daily wage literate Assistant in the office of the appellant organisation and worked as such from 14<sup>th</sup> November, 1985, upto 25<sup>th</sup> September, 1987. It appears that he was not allowed to work thereafter. He thereupon approached the Labour Court on 5<sup>th</sup> March, 1999, claiming that as he had worked for 318 days (i.e. more than 240 days) in the previous year he had the protection of Section**

25B of the Industrial Disputes Act, 1947, and as the process for retrenchment had not been adopted, he was entitled to reinstatement and back wages. The Labour Court noticed that the respondent had indeed worked for more than 240 days, but keeping in mind the delay of 11 years in claiming the reference rejected the reference. The matter was thereafter taken to the High Court which has set aside the order of the Labour Court and ordered the reinstatement of the respondent without back wages.

3. It is in this situation that the matter has come before us after the grant of special leave.

4. The respondent has been served but has not put in appearance. We, accordingly, requested Mr. Pijush Kanti Roy, learned counsel to assist us in the matter as an Amicus. We are grateful to the learned counsel for assisting us today. In the light of the fact that the respondent had admittedly put in more than 240 days of service, we find no error in the order of the High Court insofar the respondent's entitlement is concerned. However, keeping in mind the fact that the reference was delayed by 11 years and the respondent has not been working since the year 1987 we feel that the order of reinstatement would not be justified. We, accordingly, partly allow the

appeal, set aside the order of the High Court with respect to the reinstatement and as the respondent is a Diploma Holder in Mechanical Engineering, we grant him Rs.50,000/- by way of compensation to be paid to him within four months.

5. The fee of the Amicus is fixed at Rs. 7,000/-.

.....J.  
(HARJIT SINGH BEDI)

.....J.  
(CHANDRAMAULI KR. PRASAD)

New Delhi,  
September 30, 2010.

