

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 7945 OF 2011
(Arising out of SLP(C) No.1327/2007)

STATE OF M.P. AND ANR.

Appellant(s)

:VERSUS:

BABULAL

Respondent(s)

WITH

CIVIL APPEAL NOS. 7975-7977 OF 2011
(Arising out of SLP(C) Nos.12772-12774/2007)

CIVIL APPEAL NOS. 7947-7949 OF 2011
(Arising out of SLP(C) Nos.11981-11983 /2007)

CIVIL APPEAL NOS. 7950-7952 OF 2011
(Arising out of SLP(C) Nos.13378-13380 /2007)

CIVIL APPEAL NOS. 7953-7955 OF 2011
(Arising out of SLP(C) Nos.13382-13384/2007)

CIVIL APPEAL NOS. 7956-7958 OF 2011
(Arising out of SLP(C) Nos.14208-14210/2007)

CIVIL APPEAL NOS. 7959-7961 OF 2011
(Arising out of SLP(C) Nos.13087-13089/2007)

CIVIL APPEAL NOS. 7962-7964 OF 2011
(Arising out of SLP(C) Nos.13098-13100/2007)

CIVIL APPEAL NOS. 7965 OF 2011
(Arising out of SLP(C) No.11483/2008)

CIVIL APPEAL NOS. 7966-7968 OF 2011
(Arising out of SLP(C) Nos.16694-16696/2008)

CIVIL APPEAL NOS. 7972-7974 OF 2011
(Arising out of SLP(C) Nos.16115-16117/2008)

O R D E R

1. Leave granted in all the matters.
2. We have heard the learned counsel for the parties.
3. The respondents in these appeals were working as daily rated employees in a project of the Public Health Engineering Department, Respondent No.2 herein. Their services were discontinued after the completion of the project. They filed an application under the M.P. Industrial Relations Act and the Labour Court passed an order directing their reinstatement with back-wages.
4. Respondent No.2 preferred an appeal before the Industrial Court and the Industrial Court allowed the appeal and set aside the order of the Labour Court. The respondents challenged the order of the Industrial Court before the High Court.
5. Learned Single Judge of the High Court allowed the writ petition filed by the respondents

and set aside the order passed by the Industrial Court and restored the order passed by the Trial Court with a modification that the appellants shall be liable to pay 25% back-wages to the respondents from the date they were discontinued.

6. The appellants filed a writ appeal before the High Court which was dismissed on the ground that the power, which the learned Single Judge exercised against the order passed by the Labour Court and the Industrial Court, was under Article 227 of the Constitution. The appellants are thus before this Court.

7. In the peculiar facts and circumstances of these cases, we deem it appropriate to direct that the respondents be reinstated in service without back-wages. However, the State would be at liberty to give them employment wherever it is possible. We expect the State to ensure giving employment to the respondents workers nearer to the place of their residence.

8. The impugned order passed by the High Court

is modified to the extent mentioned above and the appeals are disposed of accordingly. Parties are directed to bear their own costs.

.....J
(DALVEER BHANDARI)

.....J
(DEEPAK VERMA)

New Delhi;
September 15, 2011.

