

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 10665-10667/2016

EXECUTIVE ENGINEER MAHARASHTRA STATE
ELECTRICITY BOARD

APPELLANT (S)

VERSUS

SUNIL SHANTRAM SATARKAR

RESPONDENT (S)

WITH

C.A. NOS.5830-5831/2017 @ S.L.P. (C) Nos.14279-14280/2017 @ CC
Nos. 1491-1492/2017

C.A. NOS.5823-5824/2017 @ S.L.P. (C) Nos.14277-14278/2017 @ CC
Nos. 53-54/2017

J U D G M E N T

KURIAN, J.

Delay condoned. Leave granted in CC
Nos.1491-1492/2017 and 53-54/2017.

2. The appellants, who are common in all these appeals, are aggrieved essentially by the direction issued by the Industrial Court directing either reinstatement or regularization/permanency in Class IV. It is the case of the appellants that going by the dictum laid down by this Court in Secretary, State of Karnataka and Others v. Uma Devi & Others, reported in 2006 (4) SCC 1, the respondents cannot be regularized or granted permanency. Our particular reference is invited to paragraph 53 of the judgment.

3. Learned counsel appearing for the respondents on the other hand points out that even going by the judgment in Uma Devi (supra), the appellant was bound to consider the case of respondents as one time measure. Having not done that, the order passed by the Industrial Court and as confirmed by the High Court are only to be upheld in the peculiar facts of these cases. It is also pointed out by the respondents that in the case of similarly situated workmen, regularization orders have been granted. Learned counsel for the appellants submits that the orders will have to be verified.

4. Be that as it may, the fact remains that the respondents have been working as a daily wagers for last more than 25 years. In case, any similarly situated workmen who worked for 25 years or less have been made permanent, we do not find any justification in denying a similar treatment to the respondents herein.

5. Therefore, these appeals are disposed of with a direction to the appellants to consider the cases of the respondents in the light of the directions issued by the Industrial Court and as affirmed by the High Court, taking into consideration similar treatment granted to similarly situated workmen.

6. It will be open to the respondents to point out similar instances to the appellants within a period of one month from today. Necessary orders in the light of the similar instances pointed out by the respondents shall be passed by the appellants within a period of one month thereafter.

7. We make it clear that these orders are passed in the peculiar facts of these cases.

8. Pending applications, if any, shall stand disposed of.

9. There shall be no orders as to costs.

.....J.
[KURIAN JOSEPH]

.....J.
[R. BANUMATHI]

NEW DELHI;
MAY 01, 2017.

JUDGMENT