

U.P. STATE MINERAL DEVELOPMENT  
CORPORATION LTD. AND ANR. ETC.

A

v.

VIJAY KUMAR UPADHYAY AND ANR. ETC.

JANUARY 17, 1997

B

[K. RAMASWAMY AND S. SAGHIR AHMAD, JJ.]

*Service Law :*

*Regularisation of Service—Employees getting benefit of the order of High Court as confirmed by the Supreme Court—Some employees senior to those who got the benefit—High Court giving the benefit to them also—Held, valid—In case of any difficulty to convene tripartite meeting consisting of workers' Union, one of the officers of Labour Department and an Officer of the appellant-Corporation to thrash out problems and arrive at an amicable settlement.*

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CIVIL APPELLATE JURISDICTION : Civil Appeal No. 450 of 1997 Etc.

From the Judgment and Order dated 25.3.92 of the Allahabad High Court in C.M.W.P. No. 428 of 1991.

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Vijay Hansaria and R.B. Misra for the Appellants.

Raju Ramachandran, Sunil Gupta, H.K. Puri, Joseph Pookatt, Ms. S. Ramachandran and R.S. Jena for the Respondents.

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The following Order of the Court was delivered :

.Leave granted.

We have heard learned counsel for the parties.

Admittedly, the respondents came to be appointed on ad hoc basis pursuant to writ petition filed earlier by many others. The High Court by its judgment dated 4.2.1991 in Writ Petition No. 29537/90 had allowed the writ petition and set aside the order of the retrenchment and directed regularisation of their services. Some of the respondents, admittedly, are senior to those who had the benefit of the order of regularisation as

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A confirmed by this Court as on May 10, 1991. Consequently, following the earlier judgment, the High Court in the impugned order allowed the writ petitions with similar directions. Thus, these appeals by special leave have been filed.

B In view of the fact that the earlier orders of this Court have become final, the respondent are entitled to regularisation of their services. The learned counsel for the appellants has brought to our notice that since subsequently there was a development after the orders passed by this Court, namely, some of the establishments have been handed to the private sector and some of them are in the process of being wound up, the orders C passed earlier by the High Court as confirmed by this Court and the present order would cause hardship to the appellant- Corporation. We do not think that we can go into that aspect of the matter particularly, when the order in favour of some of the employees has attained finality. Similarly the respondents are entitled to the same benefit.

D However, if there is any difficulty in working out, it will be open to the Corporation to convene a *tri partite* meeting consisting of workers' Union, one of the officers of Labour Department and an officer of the appellant-Corporation to thrash out the problems and arrive at an amicable settlement to diffuse and sort out the above difficulty.

E The appeals are accordingly dismissed. In view of the above directions, the direction for contempt issued by the High Court may not be enforced. However, the appellant-Corporation shall regularise their service and it will be subject to the suggestions made hereinbefore. No costs.

G.N.

Appeals are dismissed.