

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.5103-5104 OF 2017
[@ SPECIAL LEAVE PETITION (C) NOS. 14479-14480 OF 2016]

SARYUG SINGH (DEAD) THROUGH LRS. APPELLANT(S)

VERSUS

NATIONAL SEEDS CORPORATION AND ANR. RESPONDENT(S)

J U D G M E N T

KURIAN, J.

Leave granted.

2. The appellants challenge the order passed by the High Court wherein the total compensation has been worked out in terms of money and limited only to Rs.50,000/- (Rupees Fifty Thousand).

3. According to the appellants, as per the order passed by the Labour Court and the learned Single Judge of the High Court the deceased employee is entitled to back wages for a period of 23 years.

4. Having heard the learned counsel for the parties and having gone through the pleadings, it is fairly clear that it is a case of voluntary relinquishment of service. There is no case for the appellants that

despite reporting for duty, the deceased employee was not permitted to join duty after 1986. On the contrary, it is seen from the records that the termination was after the publication of advertisement in the newspaper requiring the deceased employee to report for duty, failing which he was liable to be terminated.

5. In that view of the matter, we wholly agree with the High Court that the deceased employee is not entitled to the back wages for the entire period. Having regard to the fact that the employee is no more and his widow and children are before this Court, we direct Respondent No.1 to pay a further sum of Rs.1,00,000/- (Rupees One Lac) in full and final settlement of the entire claims of the deceased employee. The said amount shall be paid to appellant No.1(i)/Nirmala Prasad Singh, wife of the deceased employee, within a period of six weeks.

6. We make it clear that in case the amount, as above, is not paid within the time granted, it shall carry interest at the rate of 12% per annum from the date of death of the deceased employee and the officer responsible for the delay shall be personally liable for it.

7. The appeals are, accordingly, disposed of.

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;
APRIL 10, 2017.



JUDGMENT