

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.747-748 OF 2017

[ARISING FROM SPECIAL LEAVE PETITION (C) NOS.2208-2209/2017]

[ARISING FROM S.L.P. (C).....CC. NOS. 1054-1055/2017]

HARIDAS

APPELLANT (S)

VERSUS

DIRECTOR STATE PROJECT, U.P. EDUCATION FOR ALL PROJECT
(SARV SIKSHA ABHYAN), STATE PROJECT OFFICE,
LUCKNOW AND ANR

RESPONDENT (S)

WITH

C.A. NOS.750-751/2017 @ SLP(C) NOS.1679-1680/2017

C.A. NO.753/2017 @ SLP(C) NO.1821/2017

C.A. NOS.754-755/2017 @ SLP(C) NOS.1824-1825/2017

J U D G M E N T

KURIAN, J.

Permission to file special leave petitions is granted in CC Nos. 1054-1055/2017.

2. Delay condoned. Leave granted.
3. In the nature of order we propose to pass in these matters it is not necessary to issue notice to the respondents.
4. The appellants claim that they are similarly situated as the appellants in Civil Appeal Nos.9165-9172 of 2010, which were disposed of by judgment dated 09.09.2015. This Court has taken the

view that the State Government was to absorb the employees of the Cement Corporation. However, having regard to the long break in between, the Court held that the backwages would be limited to 40%. It is the case of the appellants that they are also similarly situated as the appellants in the Civil Appeal referred to above.

5. It appears that the High Court did not have the benefit of perusal of this judgment. Though, ordinarily the matters should have been remanded to the High Court, having regard to the fact that the appellants have been out of service for quite a long time and the similarly situated employees have allegedly been taken back, we are of the view that these appeals can be disposed of with a direction to the respondents to consider the cases of the appellants also in the light of the judgment in Civil Appeal Nos.9165-9172 of 2010 and in case the appellants herein are also similarly situated as the appellants therein, similar treatment shall be given to the appellants herein as well. We order accordingly.

6. The needful be done within a period of three months from the date of production of a copy of this judgment along with the copy of the civil appeals referred to above.

7. We make it clear that the impugned judgments shall not stand in the way of the respondents considering the case of the appellants in the light of the judgment of this Court, referred to above, and taking appropriate action within the time stipulated above. We further make it clear that we have not expressed anything on the merits of the case.

8. Pending application(s), if any, shall stand disposed of.

9. There shall be no orders as to costs.

.....J.
[KURIAN JOSEPH]

.....J.
[A.M. KHANWILKAR]

NEW DELHI;
JANUARY 20, 2017.

SUPREME COURT OF INDIA



JUDGMENT