

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 7364 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 4399 OF 2016]

D.T.C.

Appellant(s)

VERSUS

GIAN CHAND

Respondent(s)

J U D G M E N T

KURIAN, J.

1. Leave granted.

2. The appellant is aggrieved by the impugned order dated 05.10.2015 passed by the High Court of Delhi in LPA No. 739 of 2008, by which the respondent has been directed to be reinstated with 60% back wages.

3. Having heard the learned counsel appearing on both sides, we are of the view that there is no justification in awarding back wages in the facts of the present case.

4. Therefore, the direction of payment of back wages is vacated. All other consequential benefits will follow, which would mean that the respondent would be reinstated as per the award with continuity of service, but without any back wages.

5. We make it clear that in case the respondent has been denied an option for pension in view of the fact that at the relevant time of option, he was not in service, now that he is deemed to be in service for all other benefits except the monetary benefits, he shall be given fresh opportunity for an option for pension before his date of superannuation.

6. With the above observations and directions, the appeal is disposed of.

No costs.

.....J.
[KURIAN JOSEPH]

.....J.
[ROHINTON FALI NARIMAN]

New Delhi;
August 08, 2016.

JUDGMENT