

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 4220 OF 2006

Rakhial Gram Panchayat

..Appellant

versus

Jagatsinh Adesinh Jhala

..Respondent

O R D E R

J.S.Khehar, J.

The respondent was appointed as an Octroi Clerk by the Gram Panchayat, Rakhial, i.e., the appellant before this Court, on 31.3.1977, on temporary basis, inter alia, for a lump sum salary of Rs.200/- per month. In addition to the above, he was not entitled even to dearness allowance or any other allowance(s). In terms of the order of appointment, the respondent actually assumed his duties with effect from 1.4.1977.

The pleadings of the case reveal, that for a short period, the work of collecting octroi, which had originally been vested in the Gram Panchayat, came to be executed through a contractor. The respondent was accordingly required to serve under a contractor, in continuation of his order of appointment dated 31.3.1977. The respondent originally declined to do so. But subsequently, assumed his duties on 10.6.1986 under the Gram Panchayat. Thereafter, the service of the respondent was dispensed with with effect from 30.6.1986.

Even though, the challenge raised by the respondent has a chequered history, it is relevant to mention, that the respondent

succeeded in Letters Patent Appeal No. 933 of 1995, when a Division Bench of the High Court on 29.7.2004 accepted, that the resolution passed by the Gram Panchayat dated 30.6.1986, for dispensing with the service of the respondent, was not in consonance with law. The High Court accordingly set aside the above resolution. The respondent was, therefore, ordered to be reinstated, against the post of an Octroi Clerk. By the order passed by the High Court, the respondent was deemed to be treated as having continuously rendered service against the post of Octroi Clerk, with effect from the date his services were dispensed with. He was also held entitled to full back wages, besides other consequential benefits, for the intervening period. The review petition filed by the appellant came to be dismissed by the High Court, vide an order dated 14.09.2004.

The operation of the above order passed by the High Court, was stayed by this Court on 24.10.2005. The aforesaid interim order has continued till date.

It does not appeal to logic, that a temporary employee can be allowed to continue in service, when the very purpose for which he is engaged does not survive. The pleadings in this case reveal, that the obligation cast on Gram Panchayats to collect octroi ceased in the year 2001. As such, even if one was not to interfere with the conclusion drawn by the High Court, in setting aside the resolution passed by the Gram Panchayat dated 30.06.1986, it is apparent, that the respondent could not have continued beyond the year 2001, and/or be paid emoluments for the period after 2001.

In the above view of the matter, we are of the view, that if the calculation of the actual amount payable to the respondent

is to be done at the rate of wages paid to him, when he was engaged in service, the arrears of the respondent for the period from 1986 to 2001 could only have been determined at the rate of Rs.200/- per month. BY the above yardsticks, the respondent would be entitled to, only a sum of Rs.2,500/- per annum. If the amount had even been doubled by the time his services were dispensed with, he would be earning approximately Rs.5,000/- per annum, on 30.06.1986.

Keeping in all that mind, we are of the view, that the ends of justice would be met, if a quantified lump sum amount is paid to the respondent as back wages. We are satisfied in quantifying the above amount at Rs.1,00,000/- (Rupees one lakh only). The above amount shall be released to the respondent within three months, from the date a certified copy of this order, is furnished to the Gram Panchayat.

The appeal stands disposed of in the aforesaid terms.

.....J.
[JAGDISH SINGH KHEHAR]

JUDGMENT

NEW DELHI;
JULY 23, 2015.

.....J.
[ADARSH KUMAR GOEL]

ITEM NO.107

COURT NO.4

SECTION IX

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 4220/2006

RAKHIAL GRAM PANCHAYAT

Appellant(s)

VERSUS

JAGATSINH ADESINH JHALA

Respondent(s)

Date : 23/07/2015 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE JAGDISH SINGH KHEHAR
HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

For Appellant(s) Mr. Preetesh Kapur, Adv.
Ms. Daisy Hannah, Adv.
for Mr. Sanjay Kapur, AOR

For Respondent(s) Ms. Nidhi, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The appeal stands disposed of in terms of the signed order.

(Renuka Sadana)
Court Master

(Parveen Kr. Chawla)
AR-cum-PS

[signed order is placed on the file]