

(1993) 09 SC CK 0145

Supreme Court of India

Case No: Civil Appeal Nos. 5066-67 Of 1993

Committee of Management, Jai
Sita Ram Kisan Intermediate
College and Another

APPELLANT

Vs

Dharamvir Singh Rana and
Others

RESPONDENT

Date of Decision: Sept. 17, 1993

Citation: (1994) 2 SCC 394 Supp

Hon'ble Judges: S. Ratnavel Pandian, J; S. P. Bharucha, J; R. M. Sahai, J

Bench: Full Bench

Final Decision: Disposed Of

Judgement

@JUDGMENTTAG-ORDER

1. Special leave granted.

2. Heard. These two appeals are filed by the appellants, namely, the Committee of Management, Jai Sita Ram Kisan Intermediate College, Jhijnjhana, District Muzaffamagar and the Manager, Jai Sita Ram Kisan Intermediate College, against the judgment and order of the High court of Allahabad in Civil Miscellaneous Writ Petition No. 10946, which was partly allowed, and Writ Petition No. 8929 of 1981, which was dismissed.

3. The High court arrived at its conclusion on an interpretation of Regulation 26 of Ch. III of the Regulations framed under the U.P. Intermediate Education Act. The said regulation reads thus:

"26. (1 The services of a permanent employee may be terminated by giving him three months" notice or three months" pay in lieu thereof on the ground of the abolition of the post which the employee is holding. The abolition may be due to one of the following reasons: (a) Retrenchment decided upon for reasons of financial

stringency. (b) Abolition of subject. (c) Abolition of section or class. (2 For the purpose of computing the period of notice mentioned in clause (1 or for determining the amount to be paid in lieu thereof the period of summer vacation shall be excluded."

4. The High court held that the order terminating the services of the first respondent (before us), passed by the appellants, was invalid because it was not in accordance with the said regulation. The High court ordered:

"As held by the Deputy Director of Education, Meerut, it will be open to the Management of the College to terminate the services of the petitioner afresh by giving him three months" notice or three months" pay in lieu thereof. Till such a notice or pay in lieu thereof is given, the petitioner is entitled to continue in service and he is also entitled for payment of salary. The payment of arrears of salary shall be made within three months from the date of presentation of a certified copy of this order before the Committee of Management of the College and the District Inspector of Schools, Muzaffamagar. In case the notice of three months or pay of three months in lieu thereof has not yet been given, petitioner will be paid the salary as and when it falls due regularly till such notice or pay is given to him."

5. We have heard learned counsel for all the parties at length. We are unable to agree with the contentions raised on behalf of the appellants. We are of the view that the impugned judgment of the High court is correct and does not warrant any interference.

6. As set out by the High court, we direct the appellants to give to the first respondent forthwith a notice of termination of his services in accordance with the said regulation. Regarding payment of arrears of salary, we direct the appellants to pay to the first respondent a consolidated sum of Rs. 2,00,000.00 (Rupees Two lakhs) within a period of six months from today. Mr. Satish Chandra, learned counsel for the first respondent, fairly agrees and accepts the said sum in full and final satisfaction of past arrears of salary till the date of payment. The said payment of Rs. 2,00,000.00 shall be staggered between the period July 1972 till the date of payment for the purpose of income tax and the first respondent shall be entitled to the appropriate relief.

7. The order of the High court is modified to the above extent and the appeals are disposed of accordingly. No costs.