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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **LPA 325/2006**

D.T.C.

..... Appellant

Represented by: Mr.D.S.Mishra, Advocate for
Mr.Anand Nandan, Advocate

versus

BIRBAL SINGH & ANR.

..... Respondents

Represented by: None

LPA 307/2007

D.T.C.

..... Appellant

Represented by: Mr.Manoj Kumar, Advocate with
Ms.Arati Mahajan Shedha, Advocate

versus

MAHABIR SINGH EX DRIVER & ANR

..... Respondents

Represented by: None

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

% **11.09.2015**

1. The appeals have been listed by the Registry on being noted that they were adjourned sine die to await the decision of the Supreme Court in SLP (C) No.1506/2007 and connected Petitions seeking Special Leave to Appeal.
2. Issue concerns a batch of employees who had gone on a strike and services were terminated without holding an inquiry. The individual

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employee succeeded before the Labour Court. Awards in their favour were upheld by learned Single Judges of this Court. In some cases Letters Patent Appeals filed were dismissed and this explains the DTC proceeding to the Supreme Court.

3. Instant two appeals were filed at a stage when Petitions seeking Special Leave to Appeal against large number of decisions in appeals were pending before the Supreme Court.

4. On February 11, 2010, granting leave to appeal, the Supreme Court directed that such workmen who had not crossed the age of superannuation would be reinstated forthwith and would be paid 50% back wages. Payment of balance amount in terms of the award impugned was stayed.

5. Similar orders have been passed in the instant appeals.

6. In our opinion it would be useless for us to keep these appeals pending for the reason as regards this Court is concerned, the law has attained finality in favour of the workmen. Depending upon what decision the Supreme Court finally takes would depend the ultimate fate of the workmen concerned.

7. We note that the two respondents in the captioned appeals have been reinstated in service and statement has been made on an earlier occasion by learned counsel for DTC that 50% back wages have been paid to the said two workmen, in harmony with the order passed by the Supreme Court on February 11, 2010.

8. We dispose of both appeals issuing a declaratory order. The declaratory order would be that if the Supreme Court upholds the earlier

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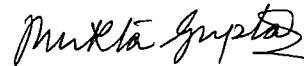
decisions passed by this Court in favour of the workmen, the respondent No.1 in both the appeals would be entitled to full benefit of the award. If the earlier decisions passed by this Court are modified, full or in part, by the Supreme Court the said decision would bind the appellant as well as the workmen in the two appeals.

9. So observing and declaring the two appeals are disposed of.

10. No costs.



PRADEEP NANDRAJOG, J.



MUKTA GUPTA, J.

SEPTEMBER 11, 2015

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