

**SUPREME COURT OF INDIA****Bench: Justice Abhay S. Oka and Justice Pankaj Mithal****Date of Decision: October 20, 2023**

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.6953 OF 2023

(Arising out of S.L.P.(Civil) No.14775 of 2021)

**MAHARASHTRA STATE ELECTRICITY TRANSMISSION COMPANY  
LIMITED ... APPELLANT(S)****VS.****VASANT KISANRAO DESHPANDE & ORS. ... RESPONDENT(S)****Section, Acts, Rules, and Articles:****Article 142 of the Constitution of India****Subject: Labor Law, Unfair Labour Practices, Judicial Delays, and  
Extraordinary Jurisdiction under Article 142****Headnotes:**

Judicial Delay – Article 142 of the Constitution of India - Demonstrates the impact of judicial delays, compelling the Supreme Court to invoke its Extraordinary Jurisdiction under Article 142 of the Constitution of India to arrive at a resolution. [Para 3]

Labor Law – Unfair Labour Practices – Reinstatement and Back Wages - Outlines the order of dismissal against the first respondent dated 25th June, 2001, and subsequent filing of a complaint before the Labour Court. Discusses the Labour Court's direction for reinstatement with back wages and the subsequent procedural history including orders from the Industrial Court and High Court. [Para 4]

Superannuation – Impact on Ongoing Litigation - first respondent reached the age of superannuation on 31st December, 2006, making the outcome of continuing litigation even more uncertain. [Para 5]

Penalty – Disproportionate Punishment - Highlights the contention of the first respondent that the penalty of dismissal imposed upon him was disproportionate. [Para 6]

Article 142 – powers under Article 142 to resolve the matter by directing the appellant to pay a lump sum amount to the first respondent. [Para 7-8]

Order – Final Disposition of the Appeal - appeal is disposed of, directing the appellant to pay Rs.10,00,000/- to the first respondent within two months. Also provides for disposal of Writ Petitions and other pending proceedings between the parties. [Para 8-9]

**Referred Cases: None.**

**Representing Advocates:**

**For Petitioner(s): Mr. Sudhanshu S. Choudhari, AOR, Ms. Rucha A. Pande, Adv., Mr. M. Veeraragavan, Adv., Ms. Gautami Yadav, Adv., Ms. Pranjal Chapalgaonkar, Adv.**

**For Respondent(s): Mr. Aniruddha Joshi, Adv., Mr. Shashibhushan P. Adgaonkar, AOR, Mr. Omkar Jayant Deshpande, Adv., Mr. Rana Sandeep Bussa, Adv., Mrs. Pradnya Shashibhushan Adgaonkar, Adv.**

### **ORDER**

Leave granted.

2. Heard the learned counsel appearing for the parties.
3. This is a classic case which shows that Judicial delays lead to a situation where this Court is compelled to find a solution by taking recourse to its Extra Ordinary Jurisdiction under the Article 142 of the Constitution of India.
4. The order of dismissal from service was passed against the first respondent on 25<sup>th</sup> June, 2001. A complaint was filed before the Labour Court at Aurangabad complaining about the unfair labour practices. On 16<sup>th</sup> July, 2015 the complaint was allowed by the Labour Court by directing reinstatement with back wages. Then there was a Revision Application filed by the appellant before the Industrial Court which resulted into an order of remand to the Labour Court with a view to grant an opportunity to the appellant to adduce evidence. The order

of remand was challenged by both the parties by filing Writ Petitions. Ultimately on 19<sup>th</sup> June, 2019, the order of remand was confirmed by the High Court. There was a review filed by the first respondent which has been allowed by the impugned order dated 10<sup>th</sup> June, 2021 and the net result is now the Writ Petitions of the year 2018 challenging the order of remand have been restored.

5. In the meanwhile, on 31<sup>st</sup> December, 2006, the first respondent has reached the age of superannuation. If the impugned order is confirmed, the High Court will have to hear the Writ Petitions against the order of remand. Therefore, it is very difficult to imagine when the main litigation in the form of the complaint filed by the first respondent will come to an end. In the meanwhile, both the parties will have to spend on litigation.
6. We have perused the charges against the first respondent. One of the contentions apart from other contentions raised by the first respondent was that the penalty of dismissal was disproportionate.
7. To put an end to the non-ending litigation, we propose to exercise our jurisdiction under Article 142 of the Constitution of India by directing the appellant to pay a lumpsum amount of Rs.10,00,000/- (Rupees ten lakhs) to the first respondent within a period of two months from today.
8. Accordingly, we dispose of the appeal by passing the following order:
  - (1) In exercise of power under Article 142 of the Constitution of India, we direct the appellant to pay a sum of Rs.10,00,000/- (Rupees ten lakhs) to the first respondent within a period of two months from today;
  - (2) The advocate for the first respondent will provide to the Advocate for the appellant the bank account details of the first respondent and a photo copy of the cancelled cheque of the bank account;

(3) Within two months from today, the amount shall be transferred to the account of the first respondent; and

(4) As a result of the aforesaid directions, Writ Petitions which are restored under the impugned order and all pending proceedings between the parties also stand disposed of.

9. The appeal is accordingly disposed of.

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