

The State of Madhya Pradesh Vs. Nuruddin

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Court : Madhya Pradesh

Decided On : Jul-18-2012

Appellant : The State of Madhya Pradesh

Respondent : Nuruddin

Advocate for Def. : Shri. Ashok Gupta

Judgement :

W.A.No.1295/2011 State of M.P.& others Nuruddin 18.7.2012 Shri Vijay Pandey, Dy.A.G., for appellants.

Shri Ashok Gupta, counsel for respondent.

This appeal is directed against an order dated 19.3.2010 in W.P.No.13824/2006, by which the learned Single Judge found that the respondent was entitled for the benefit of Pension Rules, 1979 and his pension benefits be paid along with interest @ 9% per annum from the date of his retirement till payment.

Learned counsel for appellants submitted that the learned Single Judge has wrongly taken the date of classification as permanent employee of respondent as 29.7.1991, while the order of Labour Court was passed on 24.7.1996 and if the date of passing of order 24.7.1996 is taken into consideration, the respondent has not completed qualifying service.

It was submitted that on the aforesaid ground this appeal may be admitted after condoning the delay in filing the appeal.

We have perused the record and find that vide order dated 24.7.1996 the respondent, who had approached to the Labour Court by filing an application under section 31(3) read with section 61 of the M.P.Industrial Relations Act, 1960 as case no.363/MPIR/93, was directed to be classified as permanent w.e.f.29.7.1991 and all the benefits of permanent Plumber along with difference of pay etc., were extended to the respondent.

The aforesaid order has attained finality, as it was not challenged before any higher forum and a period of nearabout 16 years has elapsed since the date of passing of order Annexure A-2.

In the order Annexure A-2 the date of classification as permanent employee and treating the employee W.A.No.1295/2011 State of M.P.& others Nuruddin as permanent Plumber w.e.f.29.7.1991 was passed, which order has already attained finality and if the learned Single Judge has taken into consideration the aforesaid date for considering the case of respondent for pensionary benefit, no fault is found.

This appeal is found without merit and is dismissed, at admission stage.

As we have considered the case on merits, it is not necessary for us to deal with the application I.A.No.14995/2011 seeking condonation of delay of 270 days in filing this appeal.

This application is also dismissed.

(Krishn Kumar Lahoti) (Smt.Vimla Jain) JUDGE JUDGE M.

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