

LIFE INSURANCE CORPORATION OF INDIA AND ORS. A
v.
THE CENTRAL INDUSTRIAL TRIBUNAL, JAIPUR AND ORS.

NOVEMBER 18, 1996

[J.S. VERMA AND B.N. KIRPAL, JJ.] B

Labour Law :

Workman—Removal from service—Order challenged—Pending proceedings before Industrial Tribunal, workman died— Tribunal found the charges to have been proved but directed payment of wages from date of dismissal till date of death of workman—Held, in view of judgment of this Court in the case of R. Thiruvirkolam, the order of removal from service in this case operates from 12.12.1969 when it was made by the employer and not from any subsequent date. C

R. Thiruvirkolam v. The Presiding Officer and Anr, [1997] 1 SCC 59, relied on. D

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 8418 of 1994. E

From the Judgment and Order dated 27.4.94 of the Rajasthan High Court in D.B.C.S. (Writ) No. 477 of 1992.

Harish N. Salve, Kailash Vasdev, K.K. Sharma, Ms. Meenakshi Sakhardande and C.K. Sasi for the Appellants. F

M.N. Krishnamani and Sudarsh Menon for the Respondents.

The following Order of the Court was delivered :

The point involved in this case is the same as in Civil Appeal No. 54 of 1993, *R. Thiruvirkolam v. The Presiding Officer and Anr.* For the reasons given by us in the judgment delivered today in *R. Thiruvirkolam*, it must be held that the order of removal from service in the present case operates from December 12, 1969 when it was made by the employer and not from any subsequent date. The direction made in the impugned judgment for H

A payment of wages to the deceased workman from December 12, 1969 to December 7, 1987, the date of his death is, therefore, set aside. However, the amount of Rs. 50,000 paid to the heirs of the deceased workman under the interim order of the Court is not required to be refunded by them to the employer.

B Consequently, the appeal is allowed in the above terms. No costs.

R.P.

Appeal allowed.