

**IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL No. 14753/2024**  
**[Arising out of SLP (C) No. 18981/2021]**

**MADANLAL SHARMA (DEAD)  
THROUGH LRS.**

**APPELLANTS**

**VERSUS**

**THE STATE OF MADHYA PRADESH & ORS.**

**RESPONDENTS**

**O R D E R**

1. Leave granted.
2. Madanlal Sharma<sup>1</sup>, since deceased, approached the High Court of Madhya Pradesh, Bench at Indore, invoking its jurisdiction under Article 226 of the Constitution of India by filing a writ petition<sup>2</sup>.
3. The case pleaded in the writ petition was that Madanlal had initially been appointed on 11<sup>th</sup> March, 1974 as a mason. He had approached the Labour Court under the Madhya Pradesh Industrial Relations Act, 1960<sup>3</sup> with a prayer for his “*permanent classification*”. By an order dated 12<sup>th</sup> October, 1999, the Labour Court directed the respondents to classify

<sup>1</sup> Madanlal  
<sup>2</sup> W.P.8950/2012  
<sup>3</sup> the Act

Madanlal as permanent and pay him the arrears of salary with effect from 04<sup>th</sup> June, 1996.

4. The order of the Labour Court was challenged by the respondents before the Industrial Court by presenting an appeal under the provisions of the Act. Vide order dated 17<sup>th</sup> December, 2002, the appeal was dismissed as time-barred.
5. The respondents then approached the High Court by filing a petition under Article 227 of the Constitution of India<sup>4</sup> which also stood dismissed by an order dated 05<sup>th</sup> July, 2001. While upholding the order of the Appellate Court (which dismissed the appeal of the respondents as time-barred), the High Court also made a reference to the merits of the claim of Madanlal and found that evidence was led before the Labour Court which substantiated his contention.
6. Although not referred to in the order of the learned Single Judge as well as the Hon'ble Division Bench from which this appeal arises, it is noted that the respondents had challenged the order dated 05<sup>th</sup> July, 2001 by filing a special leave petition before this Court<sup>5</sup>. Materials placed before us reveal that the said special leave petition stood dismissed on 17<sup>th</sup>

January, 2003.

<sup>4</sup> W.P. No.775 of 2001

<sup>5</sup> SLP (Civil) D. No.22480/2002

7. The writ petition of Madanlal was considered by the learned Single Judge, who after noting the relevant facts and circumstances as well as the law applicable to qualifying service for being entitled to pension, allowed the writ petition by judgment and order dated 11<sup>th</sup> August, 2016 and directed the respondents to extend benefit of pension to Madanlal with effect from 31<sup>st</sup> January(*sic*, March), 2012, within a period of three months.
8. The judgment and order of the learned Single Judge was carried in appeal<sup>6</sup>, by the respondents in the writ petition. Hon'ble Division Bench of the High Court by the judgment and order dated 28<sup>th</sup> September, 2019 upset the findings returned by the learned Judge. The writ appeal was allowed and the writ petition of Madanlal dismissed.
9. It is this judgment of the Hon'ble Division Bench that is the subject matter of challenge in the present appeal.
10. We have heard Mr. Dushyant Parashar, learned counsel appearing for the heirs/legal representatives of Madanlal as well as Mr. Harmeet Singh Ruprah, learned Deputy Advocate General appearing for the respondents.
11. It appears on perusal of the impugned judgment and order that relief was declined to Madanlal on the ground that he had

<sup>6</sup> W.A. No.1444/2018

not been inducted in service in accordance with law and also that no order had been passed by the State Government for regularizing Madanlal on a permanent post. It is premised on such reasons that the Hon'ble Division Bench of the High Court was of the view that Madanlal was not entitled to pension.

12. Madanlal was in service right from 1974 till 31<sup>st</sup> March, 2012 when he retired after attaining the age of superannuation, i.e., for almost 38 years.
13. The respondents having been unsuccessful in having the findings of the Labour Court reversed even after litigation travelled to this Court for the first time, it was highly improper on the part of the Hon'ble Division Bench to embark on an inquiry as to whether Madanlal had been inducted in service as per rules or as to whether he had been granted the status of a permanent employee. However, to be fair to the Hon'ble Division Bench, we ought to record once again that it might not have been aware of dismissal of the special leave petition.
14. Be that as it may, we have noticed that once the Labour Court directed that Madanlal should be classified as a permanent employee, the respondents in their appeal petition before the Industrial Court at Indore had taken a point that Madanlal cannot be regularized in the absence of a sanctioned post. It is, therefore, clear that the respondents were well and truly

aware of the implications of the order of the Labour Court which required them to regularize his service on a post. If no post was available then, Madanlal was required to be placed on a supernumerary post till such time a sanctioned post became available where he could be accommodated. The neglect/failure/omission of the respondents in not conferring permanent status to Madanlal cannot afford any justification or good reason for them to take advantage of their own wrong in depriving Madanlal of his pensionary benefits.

15. It is in these circumstances that we feel constrained to hold that the learned Single Judge was perfectly right in allowing the writ petition and holding that Madanlal was entitled to pensionary benefits from 31<sup>st</sup> January (*sic*, March), 2012.
16. We, therefore, set aside the impugned judgment and order of the Hon'ble Division Bench of the High Court and restore the judgment and order of the learned Single Judge.
17. Now that Madanlal has passed away, the retiral benefits to which he was entitled, treating him to be a permanent employee, as well as benefit on account of family pension shall be released in favour of his heirs/legal representatives together with 6% interest from the date of his retirement within three months from date, upon compliance with all formalities and proper identification of his heirs/legal

representatives.

18. The appeal stands allowed, accordingly.
19. Accepting the request of Mr. Ruprah, we make it clear that we have held against the respondents and granted benefits to Madanlal and his heirs/legal representatives considering the order dated 12<sup>th</sup> October, 1999, passed by the Labour Court granting him the status of permanent employee.
20. Pending application(s), if any, stand disposed.

.....J.  
**(DIPANKAR DATTA)**

.....J.  
**(PRASHANT KUMAR MISHRA)**

**New Delhi;  
December 19, 2024.**

ITEM NO.11

COURT NO.16

SECTION IV-C

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s).18981/2021

[Arising out of impugned final judgment and order dated 20-09-2019 in WA No. 1444/2018 passed by the High Court of Madhya Pradesh at Indore]

MADANLAL SHARMA (DEAD) THROUGH LRS.

Petitioners

VERSUS

THE STATE OF MADHYA PRADESH & ORS.

Respondents

(with I.A. No.207971/2023-CONDONATION OF DELAY IN FILING, I.A. No. 44896/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, I.A. No.151897/2024-EXEMPTION FROM FILING O.T. and I.A. No.44897/2020-EXEMPTION FROM FILING O.T.)

Date : 19-12-2024 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPANKAR DATTA  
HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA

For Petitioner(s) Mr. Dushyant Parashar, AOR  
Mr. Manu Parashar, Adv.  
Mr. J. Prasanth, Adv.  
Mr. Dinesh Pandey, Adv.

For Respondent(s) Mr. Harmeet Singh Ruprah, D.A.G.  
Ms. Mrinal Gopal Elker, AOR  
Mr. Abhimanyu Singh- G.a., Adv.  
Ms. Chhavi Khandelwal, Adv.  
Mr. Deepak Raj, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

1. Delay condoned.
2. Leave granted.
3. The appeal stands allowed in terms of the signed order.

4. Pending application(s), if any, shall stand disposed of.

**(RASHMI DHYANI PANT)**  
**COURT MASTER (SH)**

**(SUDHIR KUMAR SHARMA)**  
**COURT MASTER (NSH)**

**(signed order is placed on the file)**