

THE HIGH COURT OF MEGHALAYA AT SHILLONG.

WA NO.42/2013
In W.P. (C) No.43/2013

Shri Edison Tangsang,
Opp. Jingkieng Mawlai,
Mawlai Lewrynghep,
Shillong – 793008,
East Khasi Hills District,
Meghalaya.

:::: Appellant.

- Vs -

1. The Union Government Represented by
the Secretary of Department of
Space/Chairman Indian Space Research
Organisation,
HQ. Antariksh Bhavan,
New Belroad,
Bangalore-Karnataka.
2. The Deputy Secretary, (Parl) Department
of Space Indian Research Organisation,
HQ. Antariksh Bhavan, New Belroad,
Bangalore-
Karnataka.
3. The Director,
North Eastern Space Application Centre,
Umiam-793103,
Meghalaya.

:::: Respondents.

BEFORE
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH
THE HON'BLE MR. JUSTICE S R SEN

For the Appellant	:	Mr. K Paul, Adv
For the Respondents	:	Mr. PN Nongbri, Adv on behalf of Mr.R Borah, Adv.
Date of hearing	:	16.12.2013
Date of Judgment & Order	:	16.12.2013

JUDGMENT AND ORDER (ORAL)

(T. Nandakumar Singh, J)

Heard Mr. K Paul, learned counsel for the appellant/writ petitioner and Mr. PN Nongbri, learned counsel for the respondents.

2. This appeal is directed against the judgment and order of the learned Single Judge dated 30.10.2013, wherein and where-under, the learned Single Judge had rejected W.P.(C)No.43/2013 filed by the appellant/writ petitioner for a direction to the respondents to grant some financial and other monetary compensation as applicable unto the petitioner (appellant) in terms of the judgment and order passed by the Hon'ble Apex Court in the case of **BSNL vs. Man Singh & Ors: (2012) 1 SCC 558** to the appellant/writ petitioner. Before entering into the merit of the present writ appeal, we are constrained to observe that a little difference in facts makes a great difference in determining precedential value of a decision. (**U.P. State Electricity Board vs. Pooran Chandra Pandey & Ors: (2007) 11 SCC 92**). Paras 13 & 14 of the SCC in **Pooran Chandra Pandey's** case (*Supra*) read as follows:-

“13. In Ambica Quarry Works vs. State of Gujrat: (1987) 1 SCC 213 (vide SCC p.221, para 18) this Court observed:

“18. The ratio of any decision must be understood in the background of the facts of that case. It has been said long time ago that a case is only an authority for what it actually decides, and not what logically follows from it.”

14. In Bhavnagar University vs. Palitana Sugar Mill (P) Ltd: (2003) 2 SCC 111 (vide DCC p.130, para 59) this Court observed:

“59. It is also well settled that a litter difference in facts or additional facts may make a lot of difference in the precedential of a decision.”

(emphasis supplied)

3. In this case, before entering into the merit, we are given our anxious consideration to the fact of the case in **Man Singh's** case (*Supra*), wherein the Labour Court after adjudication, by award dated 27.05.2005, ordered the reinstatement of respondent-workmen on the same post which they were holding at the time of their termination. Writ petition filed by the Department against the said award of the Labour Court dated 27.05.2005 had been dismissed. In the case in hand, the Govt. of India, Ministry of Labour and Employment had referred issue "*Whether the action of the management of the Director, North Eastern Space Application Centre, Shillong in terminating the services of their workman Shri.Edison Tangsang w.e.f. 01.03.2007 is legal and justified? If not, to what relief the workman is entitled to?*" The said issue referred to the Central Govt. Industrial Tribunal-Cum-Labour Court, Guwahati vide the award dated 12.11.2010 had answered the issue against the writ petitioner/appellant and ordered that the matter stands disposed of. The copy of the said award of the Central Govt. Industrial Tribunal-Cum-Labour Court, Guwahati is available at Annexure-2 to the present memo of appeal.

4. Mr. K Paul, learned counsel for the appellant/writ petitioner had also taken us to the said award dated 12.11.2010 and stated that there is no finding in the said award that the termination of the appellant/writ petitioner is illegal. But we are afraid that the Courts are not interpreting the judgment; and judgment is to be read only. At the same time, we are also making an observation that we interpret the statue and rule and not the judgment. Keeping in view of the settled principles of law as to how the judgment is to be understood, we have gone through the award dated 12.11.2010 passed by the Central Govt. Industrial Tribunal-Cum-Labour Court, Guwahati; and on perusal of it, it is clear that by the said award, the said issue had stood disposed of with the finding that no relief can be granted to the workman (present appellant/writ petitioner). Therefore, from the award, it is clear that the said issue which was

referred to the Central Govt. Industrial Tribunal-Cum-Labour Court, Guwahati had been answered against the appellant/writ petitioner.

5. On perusal of the record and also from the submissions of the learned counsel for the appellant/writ petitioner, it appears that the appellant/writ petitioner had challenged the said award dated 12.11.2010 by filing CRP No.21(SH)/2011 but the said CRP No.(SH)21/2011 had been withdrawn with liberty to file afresh one. But there is nothing on record to show that the said CRPNo.(SH)21/2011 been withdrawn with liberty. Had the CRPNo.21(SH)2011 been withdrawn with liberty as submitted by Mr. K Paul, learned counsel for the appellant/writ petitioner, it is left to the appellant/writ petitioner to take necessary steps as permissible under the law.

6. Learned Single Judge vide judgment and order dated 10.12.2013 give sufficient reasons for not directing the respondents to pay the compensation to the writ petitioner/appellant and also there is a clear finding that the ratio laid down in **Man Singh's** case (*Supra*) is not applicable to the case of the writ petitioner/appellant, inasmuch as, the fact of the case in **Man Singh's** case (*Supra*) is squarely different from that of the writ petitioner/appellant.

7. For the foregoing reasons, we see no reason for interfering with the judgment and order of the learned Single Judge dated 31.10.2013. Accordingly, the writ appeal is not entertained, and dismissed.

JUDGE

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