IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 7118 OF 2015

U.P. RAJKIYA NIRMAN NIGAM LIMITED APPELLANT(S)

VERSUS

YOGENDRA SINGH & ORS. RESPONDENT(S)

O R D E R

1. The correctness of the judgment rendered by the High Court of Judicature at Bombay dated 10.06.2015, affirming the award passed by the Industrial Tribunal, Pune in Reference (IT) No. 06 of 2003, is the subject matter of the present appeal. The Industrial Tribunal had directed absorption of the respondents into the permanent service of the appellant, with consequential benefits.

2. It is not in dispute that the appellant i.e. U.P. Rajkiya Nirman Nigam Limited, is a State Government undertaking engaged in civil construction and design of buildings across India. For execution and maintenance of projects at Pune, Chinchwad, and Kolhapur, the appellant engaged local contractors. The respondents, alleging unfair labour practice and continuous engagement for several years without permanency benefits,

Signature Not Verified
Digitally signed by NAVEEN D
Date: 2026.07.22
18:44:52 IST
Reason:

pleaded direct employment under the appellant.

3. The defence of the appellant before the Tribunal and the High Court was that the respondents were employees of contractors, and that the appellant could not be treated as an "establishment" under the Model Standing Orders. *Be that as it may*, the High Court, while affirming the Tribunal's award, noted the continuous service rendered by the respondents under the direct supervision of the appellant's officials and held that their rights deserved protection.

4. Having considered the contentions advanced and the factual matrix borne out of the record, it is evident that a significant number of respondents have since superannuated during the pendency of this litigation. Records indicate that Respondent No. 1 (Yogendra Singh), Respondent No. 2 (Aman Kumar), and Respondent No. 10 (Motilal Trimbke), among others, have already attained the age of superannuation.

5. In these circumstances, while we are not inclined to interfere with the impugned judgment, it is clarified that the benefit of permanency shall be confined to disbursement of 50% of the wages of permanency, payable to the respondents until they reach the age of superannuation (60 years). Those respondents who have already superannuated shall be entitled to such benefits only up to the date of their retirement.

6. With the above modification, Civil Appeal No. 7118 of 2015 stands disposed of.

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

..........................J.
(SANJAY KAROL)

.............................J.
(NONGMEIKAPAM KOTISWAR SINGH)

NEW DELHI;
JULY 16, 2026