
(2001) 09 SC CK 0074

In the Supreme Court Of India

Case No : Civil Appeal No's. 6235-36 of 2001 (Arising out of SLP (C) No's. 1403-04 of 2001)

A.P. SRTC, Cuddapah

APPELLANT

Vs

K. Bajjanna

RESPONDENT

Date of Decision : 06-09-2001

Acts Referred:

Citation : (2001) 1 ACR 719 : AIR 2001 SC 1246 : (2001) AIRSCW 795 : (2001) 1 ALD(Cri) 559 : (2001) ALLMR(Cri) 582 : (2001) CriLJ 1242 : (2001) 2 JT 558 : (2001) 2 RLW 297 : (2001) 2 SCALE 8 : (2001) 4 SCC 525 : (2001) 1 SCR 990 : (2001) 1 Supreme 661 : (2001) 1 UC

Hon'ble Judges : K. G. Balakrishnan, J;D. P. Mohapatra, J

Bench : Division Bench

Final Decision : Disposed Of

Judgement

D.P.Mohapatra, J.—Leave granted.

2. Heard Mr. L. Nageswara Rao, learned senior counsel appearing for the appellant and Mr. S. Ram Babu, learned counsel appearing for the respondent.

3. By the order passed on 2/02/2001 notice was issued to the respondent limited to the question of backwages. We have heard learned counsel for the parties on the question. The respondent was engaged as a man mazdoor in the appellant's establishment in December, 1978. His service was terminated in September, 1978. The proceeding in the labour court to resolve the dispute relating to validity of the order of termination was instituted in 1987. In May 1990 the labour court declined to order reinstatement in service but directed differential wages at the rate of Rs. 305 per month to be paid to the respondent. The said order was challenged by the respondent before the High Court. The High Court remanded the matter to the labour court in May 1997 to examine the question whether another workman in similar circumstances had been reinstated with backwages by the appellant. Considering the said question, the labour court passed the award dated 13/08/1997 directing reinstatement of the respondent in

service with full backwages. The appellant assailed the award in the writ petition filed in the High Court. The learned single judge declined to interfere with the award and dismissed the writ petition. The division bench dismissed the appeal filed by the appellant in limine on the ground of delay. The said judgement/order passed by the High Court are under challenge in these appeals.

4. On consideration of the contentions raised by the learned counsel for the parties on the question of backwages to be paid to the respondent we are of the view that it will be fair and reasonable to order payment of full backwages from 1 st August 1990 till August 1997. When in August 1990 a simmilarly placed workman was given the relief of reinstatement with backwages by the appellant-corporation there was no reason why the respondent should not have been granted similar relief.

5. Accordingly, the appellant-corporation is directed to pay to the respondent-workman backwages at the rate of wages last drawn by him before termination for the period from 1/08/1990 till 31st August, 1997. The payment of backwages will be subject to the condition that the respondent places the materials before the competent authority of the corporation in support of his claim that he was not gainfully engaged during this period. The exercise will be completed within three months.

6. The appeals are disposed of on the above terms. No costs.