
(2001) 03 SC CK 0032

In the Supreme Court Of India

Case No : Civil Appeal No. 4538 of 1999

Bahadur S. Solanki

APPELLANT

Vs

LIC of India and Another

RESPONDENT

Date of Decision : 27-03-2001

Acts Referred:

Citation : (2001) 9 AD 214 : AIR 2002 SC 105 : (2001) AIRSCW 4661 : (2001) 9 JT 371 : (2002) 2 LW 218 : (2001) 7 SCALE 622 : (2001) 9 SCC 692 : (2001) 8 Supreme 110

Hon'ble Judges : G. B. Pattanaik, J;B. N. Agrawal, J

Bench : Division Bench

Final Decision : Disposed Off

Judgement

G.B. Pattanaik J.-The appellant was an employee of the Life Insurance Corporation of India (for short "the Corporation"). On account of a pending criminal proceeding he was suspended from service on September 15, 1977. He was convicted by the trying Magistrate in the criminal case on August 4, 1983. On the basis of the aforesaid criminal conviction, he was dismissed from service by order dated December 23, 1985. The appellant assailed his conviction by filing an appeal. The Appellate Court set aside the conviction and sentence and acquitted him by order dated May 10, 1995. The appellant then moved the High Court and the learned single Judge of the High Court directed reinstatement as well as payment of the entire back wages. The Corporation assailed that order by filing an appeal to the Division Bench. The Division Bench of the High Court though maintained the direction with regard to reinstatement, but denied the back wages for the period and thus the present appeal

2. Mr. Khanduja, learned counsel appearing for the appellant contended that since the appellant has been honourably acquitted by the Appellate Court in respect of the criminal charges and the order of dismissal was because of criminal conviction recorded by the Trial Judge, there was no reason to disentitle him to the back wages for the period in question. Mr. Iyer, the learned senior

counsel appearing for the Corporation on the other hand contended that the appellant not having rendered any service would not be entitled to any back wages and as such there is no infirmity with the impugned order of the Division Bench of the High Court

3. Having heard the learned counsels for the parties and taking into consideration the facts and circumstances we think it appropriate to modify the impugned order of the Division Bench of the High Court and we direct that the appellant would be entitled to 50% of the back wages for the period in question. The appeal stands disposed of with the aforesaid modification.