

(2009) 07 SC CK 0138

In the Supreme Court Of India

Case No : Civil Appeal No. 4145 of 2009 (Arising out of SLP (C) No. 21169 of 2007)

Bharat Coking Coal Ltd. through Management

APPELLANT

Vs

National Coal Workers Congress through Vice President

RESPONDENT

Date of Decision : 07-07-2009

Acts Referred:

Citation : (2010) 124 FLR 343 : (2009) 3 PLJR 135 : (2009) 9 SCALE 259 : (2009) 7 SCC 160 : (2009) 2 SCC(L&S) 303

Hon'ble Judges : Tarun Chatterjee, J;H. L. Dattu, J

Bench : Division Bench

Advocate : Anupam Lal Das, Aswariya and Arpit Gupta, for the Appellant; U.S. Agarwal, Dinesh Kumar Tiwary and Ratan Kumar Choudhuri, for the Respondent

Final Decision : Allowed

Judgement

Tarun Chatterjee, J.—Leave granted.

2. At the time of admission of this SLP on 29 th of October, 2007, limited notice was issued relating to the question of back wages.

3. After notice, the matter came up for final disposal on the limited question as referred to herein above.

4. We have heard the learned Counsel for the parties and examined the impugned order as well as the award passed by the Central Government Industrial Tribunal No. 1 Dhanbad. It is true that the respondent-workman was found to have been entitled to back wages for the period for which he had not worked.

5. Having heard the learned Counsel for the parties and after considering the materials on record and in the facts and circumstances of the case and in view of the fact that the employee did not work for a considerable period of time, we are of the view that instead of full back wages to be paid to the workman, the

Management may be directed to pay 50% of the back wages instead of full back wages to him within four months form the date of supply of a copy of this order to it. Accordingly, the order of the High Court and the award are modified to the above extent. The respondent is now entitled to 50% of the back wages instead of full back wages as noted herein above.

6. With this modification of the award, the appeal is disposed of. There will be no order as to costs.