
(2000) 11 KAR CK 0092
In the Karnataka High Court
Case No : Writ Petition No. 7130 of 1999

Chandrakantha

APPELLANT

Vs

Karnataka State Road Transport Corporation and Another

RESPONDENT

Date of Decision : 20-11-2000

Acts Referred:

Citation : (2002) 4 LLJ 538

Hon'ble Judges : M.F. Saldanha, J

Bench : Single Bench

Judgement

M.F. Saldanha, J.—The short question that falls for determination in this case is as to whether the petitioner is entitled to salary for the two periods as pointed out by his learned counsel. The record indicates that the petitioner was permitted to work from April 18, 1995 by the Divisional Manager, K.S.R.T.C. which he did until September 20, 1996 i.e. till the date of dismissal. The petitioner contends that since the issue relating to misconduct was under consideration that he was not paid his salary and allowances during this period. The contention raised is that even if for any reason the Labour Court did not award the back wages for the dismissal period i.e. the period during which that order was operational that the petitioner's salary and allowances could not have been withheld for the period mentioned by me above namely April 18, 1995 to September 20, 1996. Since the petitioner was not under suspension this argument will hold good and the corporation is directed to compute and pay to the petitioner the salary and allowances for this period.

2. We next come to the order passed by the Labour Court on November 28, 1997 and the petitioner's contention is that even though he submitted a memo on that very date that the corporation only reinstated him on July 24, 1998. Learned counsel submits that irrespective of whether the corporation implements the award immediately or otherwise that in law the order for reinstatement takes effect from the date of the award and that the petitioner is entitled to claim the salary and allowances on and from that date. This position does hold good in so

far as there is nothing to indicate that the award was either stayed or set aside and secondly if the petitioner was vigilant enough to demand reinstatement immediately then he would be entitled to the salary and allowances on and from the date on which the award was made. Consequently the non-payment of the salary and allowances for the period from September 20, 1996 to November 28, 1997 is incorrect. The corporation is directed to compute and pay to the petitioner the amounts due to him for this period on the principle of deemed reinstatement.

3. Since the petitioner has been reinstated in service and considerable time has elapsed, the corporation is directed to implement the directions of this Court within a period of forty five days from the date on which a copy of this order is furnished to the corporation. It is made clear that if the corporation defaults in making the payments within the prescribed period that this Court will be constrained to compute the interest at bank rate for the entire period of non-payment and award the same to the petitioner and it is, therefore, in the corporation's own interest to ensure timely compliance of this order.

4. It is necessary to remind the corporation and other similarly situated public authorities and Government departments who have been showing scant respect for Court orders that these decisions are required to be respected and that Judicial pronouncements must be implemented (without any undue delay. While one concedes the principle that if the corporation is aggrieved by the decision that an appeal may be competent, it is necessary to very clearly lay down that in cases where no appeal is filed, the authority against whom the order has been passed would be liable to pay the emoluments of the employee from the date of the award irrespective of the date of actual reinstatement in service. No excuses can be made for the delay particularly in cases relating to reinstatement in service because the human factor is predominant and the employee is languishing in a state of unemployment despite a judicial order for reinstatement. The present tendency that is becoming more and more rampant of ignoring Court orders and directions or of taking abnormally long (time) for their implementation betrays total disrespect for the rule of law and virtually borders on contempt. It is, therefore, necessary to warn all such errant parties that this Court will not hesitate in stringently enforcing the rule of law and respect for judicial orders by penalising the defaulting parties as has been done in the present case. Let this case be a reminder to all such errant departments who are undermining respect for the rule of law that the consequences will be severe.

5. A copy of this order to be furnished to the learned advocates forthwith. The petition succeeds to this extent and stands disposed of. No order as to costs.