

(2011) 01 DEL CK 0317
In the Delhi High Court
Case No : LPA 341 of 2010

Delhi Transport Corporation

APPELLANT

Vs

Brij Bhushan

RESPONDENT

Date of Decision : 11-01-2011

Acts Referred:

Citation : (2011) 01 DEL CK 0317

Hon'ble Judges : Dipak Misra, C.J; Sanjiv Khanna, J

Bench : Division Bench

Advocate : Avnish Ahlawat, for the Appellant; Rashmi B. Singh, for the Respondent

Judgement

C.M. Nos. 9019-9020/2010

1. These are applications for condonation of delay in filing and re-filing the appeal. Having heard Ms. Avnish Ahlawat, learned Counsel for the Appellant and Mr. Rashmi B. Singh, learned Counsel for the Respondent, the delay stands condoned. The applications stand disposed of.

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2. The present appeal is directed against the order dated 6th January, 2010 passed by the learned single Judge in W.P.(C) No. 17546/2004 whereby the single Judge has declined to interfere with the award passed by the Industrial Adjudicator on the ground that there is no infirmity in the said award. Be it noted, the workman has already been reinstated in pursuance of the award dated 7th October, 2002, passed by the learned Industrial Adjudicator, which is affirmed by the learned single Judge on 6th January, 2010. Ms. Avnish Ahlawat, learned Counsel for the Appellant has fairly stated that services of the Respondent workman shall not be dispensed with and he shall be paid the regular scale, which is available to the said category of workman.

3. It is worth noting, the learned single Judge had directed reinstatement with

full back wages by the Industrial Adjudicator. Ms. Avnish Ahlawat has submitted that the said finding should be unsettled. In course of hearing of this appeal, we have been apprised that a sum of Rs. 6,72,919/- has already been paid to the workman towards back wages from 19th August, 1994 to 31st December, 2003 and thereafter the benefit u/s 17B of the Industrial Disputes Act, 1947.

4. This Court, while issuing notice, had directed the Appellant to deposit Rs. 2,00,000/- before the Registry of this Court. Keeping in view of the totality of the circumstances, we are inclined to direct that a further sum of Rs. 28,000/- be paid to the Respondent workman towards back wages. On such grant being made, the total amount will exceed more than Rs. 7,00,000/-. We are inclined to think that would sub serve the cause of justice. The balance amount shall be refunded to the Appellant. With the aforesaid modification in the order of the learned single Judge, the appeal stands disposed of. There shall be no order as to costs.