

(1993) 09 SC CK 0033

In the Supreme Court Of India

Case No : Civil Appeal No. 1596 Of 1988

H.M.T. Limited

APPELLANT

Vs

Labour Court, Ernakulam and Others

RESPONDENT

Date of Decision : 23-09-1993

Acts Referred:

Citation : (1994) 2 LLJ 344 : (1994) 2 SCC 38

Hon'ble Judges : S. Mohan, J;P. B. Sawant, J

Bench : Division Bench

Final Decision : Disposed Of

Judgement

P.B. Sawant, J.—We heard the learned Counsel for the parties and also went through the judgments of the courts below and the record. We do not find that any error has been committed by the High Court in upholding the award of the Labour Court reinstating the workman. However, we find that the dismissal of the workman was on July 30, 1979 and till date more than 14 years have elapsed. It is now accepted that no party should suffer on account of the delay in the decision by the court. Taking all facts into consideration, we are of the view that it would meet the ends of justice in the present case, if instead of full back wages, the workman concerned is given 60 per cent of the back wages till he is reinstated.

2. We, therefore, modify the award of the Labour Court as follows. The appellant will reinstate the workman concerned on or before October 15, 1993. They will also pay him 60 per cent of all his back wages till the date of his reinstatement inclusive of the increments and the revisions in pay. The workman will also be entitled to all other benefits on the footing that he had continued in service since July 30, 1979. The appeal is disposed of accordingly with no order as to costs.