

(2008) 09 SC CK 0064

In the Supreme Court Of India

Case No : Civil Appeal No. 5425 of 2008 (Arising out of SLP (C) No. 23319 of 2007)

M.P. Electricity Board and Others

APPELLANT

Vs

Maiku Prasad

RESPONDENT

Date of Decision : 02-09-2008

Acts Referred:

Citation : AIR 2009 SC 240 : (2008) 119 FLR 195 : (2009) 1 LLJ 34

Hon'ble Judges : Tarun Chatterjee, J;Aftab Alam, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. Leave granted.

2. On 13th of December, 2007, this Court issued notice on this SLP and passed the following order:

Learned Counsel for the petitioners submits that the respondent has already been reinstated. Issue notice limited to the question of payment of 50 per cent of the back wages. In the meantime, execution proceedings are stayed.

3. From the office report dated 7th of August, 2008, it appears that as per an order passed by the learned Registrar of this Court dated 31st of March, 2008, Dasti notice was issued to the sole respondent and an affidavit of service has been filed by the petitioner stating therein that the sole respondent has already been served. In spite of service, no one appeared on his behalf at the time of hearing of the appeal.

4. Having heard the learned Counsel for the appellant and considering the facts that the service of the respondent was terminated as he was unauthorisedly absent from duty from 15th of February, 1984 to 3rd of March, 1984 and after the order of termination respondent had not worked for a long time with the appellant board till he was reinstated, we feel it appropriate to modify the award

in question to the extent of payment of fifty per cent of back wages to the respondent instead of full back wages, as directed by the Labour Court and affirmed by the High Court.

5. Accordingly we modify the award in question to the above extent, that is to say, that fifty per cent back wages shall be paid to the respondent instead of full back wages as directed by the Labour Court and the High Court and direct the appellant to pay such amount of back wages to the respondent within four months from the date of supply of a copy of this order. We keep it on record, as we have already noted in our order dated 13th of December, 2007, that the respondent has already been reinstated in service by the appellant.

6. Accordingly, the impugned Judgment of the High Court is modified to the extent indicated above. The appeal is thus disposed of. There will no order as to costs.