
(2002) 09 DEL CK 0019
In the Delhi High Court
Case No : C.W. No. 1121 of 1999

Rajender Prasad

APPELLANT

Vs

P.O., Industrial Tribunal No. 1 and Another

RESPONDENT

Date of Decision : 11-09-2002

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2003) 102 DLT 306 : (2003) 1 LLJ 625 : (2003) 1 SLJ 97

Hon'ble Judges : Madan B. Lokur, J

Bench : Single Bench

Advocate : Sanjoy Ghosh, for the Appellant; Nemo, for the Respondent

Judgement

Madan B. Lokur, J.—The petitioner has challenged the impugned Award dated 5th December, 1996, limited to the question of payment of 50% of the back wages.

2. The learned Labour Court has awarded 50% of the back wages only on the ground that the petitioner was employed as Mali from 21st February, 1989 to 29th March, 1989 and if he had made an effort, he could have got an alternative job.

3. This does not seem to be a cogent reason for not granting full back wages. The mere fact that the petitioner worked for one and a half months, does not mean that he will always be able to get a job. The fact that he could work for only one and a half months possibly shows that he could not get any further employment.

4. Since no other reason has been given by the learned Labour Court, the impugned Award is set aside to this extent. The petitioner would be entitled to full back wages from the date of the demand notice, that is, 24th April, 1989 till the date of reinstatement.

Nothing further survives in the writ petition and the same is disposed of.