

(2000) 02 SC CK 0095

In the Supreme Court Of India

Case No : Civil Appeal No. 1011 of 2000 (Arising out of S.L.P. (C) No. 11795 of 1999)

Rajender Singh R.

APPELLANT

Vs

Depot Manager, A.P.S.R.T.C.

RESPONDENT

Date of Decision : 11-02-2000

Acts Referred:

Citation : (2000) 4 JT 258 : (2000) 1 LLJ 1396 : (2000) SCC(L&S) 1103 : (2000) 2 UPLBEC 1496

Hon'ble Judges : Y. K. Sabharwal, J;S. B. Majmudar, J

Bench : Division Bench

Final Decision : Allowed

Judgement

S.B. Majmudar, J.—Leave granted.

2. The appellant in the year 1975 was appointed as Cleaner in the Andhra Pradesh State Road Transport Corporation and later he was promoted as Coach Builder. He was charge sheeted which ultimately led to his removal from service. The order of removal was, however, set aside by the award of the Lab our Court dated 05th February 1992. The award directed reinstatement of the appellant with continuity of service and back-wages at 60%. The said award was subject-matter of challenge by the respondent-Corporation in a writ petition filed in the High Court. The High Court by impugned judgment dated 07th April 1997 modified the award to the extent it directed payment of back- wages and continuity of service to the appellant.

3. The appellant has challenged the order of the High Court as it results in depriving him the continuity of service and back-wages. A limited notice confined to the question of granting continuity of service to the appellant has been issued to the respondent. Having regard to the nature of the charges, learned counsel for the respondent has very fairly stated that the Corporation, on the facts and circumstances of the present case, would have no objection to grant continuity of service to the appellant so long as he does not insist on back-wages, which is

agreeable to the appellant. Even otherwise on the facts of the case we find no justification to deprive the appellant the continuity of service.

4. Under these circumstances, we allow this appeal and set aside the order of the High Court to the extent it declines to the appellant continuity of service. The appellant would thus be entitled to continuity of service, but, would not be entitled to back-wages. The appeal is allowed in the above terms. The appellant would be entitled to costs quantified at Rs. 10,000/-.