

(2015) 04 KAR CK 0346

In the Karnataka High Court

Case No : Writ Petition No. 83484 of 2010 (L-TER)

Ramu

APPELLANT

Vs

The Assistant Director, Karnataka Land Army Corporation and
Others

RESPONDENT

Date of Decision : 10-04-2015

Acts Referred:

Industrial Disputes Act, 1947 — Section 10(4-A)

Citation : (2015) 147 FLR 277 : (2015) 3 KarLJ 613

Hon'ble Judges : Ravi V. Malimath, J

Bench : Single Bench

Advocate : P. Vilas Kumar, for the Appellant; Manvendra Reddy, Advocates for the Respondent

Final Decision : Dismissed

Judgement

Ravi V. Malimath, J.—The case of the petitioner is that he was a daily wage employee under the respondents since 1991. He worked till 30-9-2000 without break in service. He was terminated from service on 1-10-2000. Hence, he filed a petition before the Labour Court under Section 10(4-A) of Industrial Disputes Act, 1947 (for short, the "Act"). By the impugned order the order of removal was set aside. The respondents were directed to reinstate the services of the workman with continuity of service and other consequential benefits. The prayer of back wages was denied. Hence, the present petition by the workman. The learned Counsel for the petitioner contends that the impugned order is bad in law and liable to be set aside. That only because litigation is pending for a long time is not a ground to deny him back wages. That having set aside the order of termination, he is entitled for back wages. He cannot be blamed for the delay in disposal of his petition. He relies on the judgment in the case of P.V.K. Distillery Ltd. Vs. Mahendra Ram, AIR 2009 SC 2205 : (2009) 121 FLR 381 : (2009) 3 JT 169 : (2009) 4 SCALE 453 : (2009) 5 SCC 705 : (2009) 2 SCC(L&S) 134 : (2009) 3 SCR 896 : (2009) 3 SLR 324 : (2009) 2 UJ 1013 , with reference to

paragraph 20. I have considered the judgment in-depth. Therein the Hon"ble Supreme Court held that since the petition was pending for the last two decades in different Courts also has no relevance, since he had approached the Court within a reasonable time. It does not mean that the respondent is not entitled to further relief. Further, the Hon"ble Court stating in paragraph 21 as follows:

"21. Although services of the respondent have been terminated unjustifiably and illegally, it itself does not create a right of reinstatement with full employment benefits and full back wages.....".

2. Under these circumstances, based on the judgment relied by himself setting aside the order of termination would not by itself create a right for either reinstatement with continuity of service with full back wages or full back wages. Based on the material on record the order of removal has been set aside. They were directed to reinstate him into services with continuity of service and all other consequential benefits. It is back wages alone that will be denied. Based on the facts and circumstances of the case and conduct of the workman, I am of the considered view that he is not entitled for any back wages. The order of the Labour Court is just and appropriate. No interference is called for. Consequently the petition being devoid of merit is dismissed.