
(2009) 05 SC CK 0046

In the Supreme Court Of India

Case No : Civil Appeal No. 3543 of 2009 (Arising out of SLP (C) No. 12178 of 2009)

Sh. Narendra Kumar

APPELLANT

Vs

The Regional Manager Punjab National Bank and Others

RESPONDENT

Date of Decision : 13-05-2009

Acts Referred:

Citation : (2009) AIRSCW 5265 : (2009) 122 FLR 536 : (2009) 6 JT 519 : (2009) 4 LLJ 46 : (2009) 8 SCALE 255 : (2009) 14 SCC 219 : (2010) 1 SCC(L&S) 358

Hon'ble Judges : Tarun Chatterjee, J;H. L. Dattu, J

Bench : Division Bench

Advocate : Ambhoj Kumar Sinha, Pramod Kr. Sharma and Amit Upreti, for the Appellant;

Final Decision : Allowed

Judgement

H.L. Dattu, J.—Delay condoned.

2. Leave granted and heard counsel for the parties insofar as the award of back wages is concerned.

3. This is an appeal by Special Leave against the judgment and order dated 23.5.2008 of the Delhi High Court in W.P. (C) No. 3941 of 2008.

4. The appellant was appointed as a sub staff by the respondent Bank on 8.11.1989 on daily wage basis and subsequently his services were terminated on 12.9.1992.

5. Aggrieved by the order of termination, the appellant had raised an Industrial Dispute in the year 1996. In his claim statement, he had asserted, that, the termination of his services by the respondents is illegal, irregular and invalid, and therefore, had requested the Labour Court to pass an award for a direction to the respondents to reinstate him into service with all consequential monetary and

service benefits.

6. The Labour Court vide its order dated 31.12.2007, while allowing the claim in part, has directed the respondents to pay a sum of Rupees Fifty Thousand only (Rs. 50,000/-) by way of compensation in lieu of reinstatement into service.

7. The award passed by the Labour Court was the subject matter of the writ petition before the High Court at the instance of the workman. The High Court has dismissed the writ petition in limine and thereby has affirmed the award passed by the Labour Court.

8. The learned Counsel for the appellant submits that the amount of compensation awarded by the Labour Court in lieu of reinstatement into service vide its order dated 31.12.2007, is meager and, therefore, this Court may exercise its discretion and enhance the compensation awarded by the Labour Court.

9. Ordinarily, we would not have interfered with the concurrent findings of the labour court and the High Court. At the same time, we can't be obdurate to the hard realities of life. In matters of this nature, a humane and pragmatic approach to the various factors, including the steep escalation in prices in the commodity market, the cost of living, the cost of education of children etc. Therefore, keeping in view the peculiar facts and circumstances of this case, in our view, it would be in the interest of justice, to enhance the compensation from Rupees Fifty Thousand (50,000/-) to One Lakh (1,00,000/-) only.

10. Accordingly, the appeal is allowed in part. The award passed by the Labour Court in ID No. 52/1996 is modified by enhancing the compensation awarded from Rs. 50,000/- (Rupees Fifty Thousand only) to Rs. 1,00,000/- (Rupees One lakh only). Before parting with the case, we make it clear that this order shall not be treated as a precedent in any other case. No order as to costs.