
(2011) 03 SHI CK 0251
In the High Court Of Himachal Pradesh
Case No : CWP No. 8101 of 2010

The Executive Engineer

APPELLANT

Vs

Deepak Kumar

RESPONDENT

Date of Decision : 03-03-2011

Acts Referred:

Industrial Disputes Act, 1947 — Section 10(1)

Citation : (2011) 03 SHI CK 0251

Hon'ble Judges : Kurian Joseph, C.J;V.K. Ahuja, J

Bench : Division Bench

Judgement

V.K. Ahuja, J.—This Civil Writ Petition under Article 226 has been filed for quashing the award dated 22.02.2010 passed by the learned Labour Court-cum-Industrial Tribunal, Dharamshala in reference petition No. 93/2006.

2. Heard the learned Counsel for the parties.

3. The reference u/s 10(1) of the Industrial Disputes Act, 1947 was answered by the Labour Court in favour of the Respondent. In so far as the orders passed re-instating the Petitioner are concerned, it calls for no interference by this Court after considering the impugned award. However, in so far as the order directing payment of back-wages is concerned to the extent of 25 per cent with effect from 1st September, 2002, We are of the view that since the Petitioner has not adduced any reliable evidence on entitlement for backwages, he shall not be entitled to 25 per cent back-wages and the order is modified accordingly to that extent. However, the Respondent shall stand reinstated forthwith accordingly.

4. With these observations, the writ petition stands disposed of. Pending applications, if any, shall also stand disposed of.