

(2011) 03 KAR CK 0105
In the Karnataka High Court
Case No : Writ Petition No. 6174 of 2008

The Management of Gopalakrishna Textile Mills Pvt. Ltd.	APPELLANT
Vs	
S. Muniswamy	RESPONDENT

Date of Decision : 01-03-2011

Acts Referred:

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

Citation : (2011) 03 KAR CK 0105

Hon'ble Judges : A.N. Venugopala Gowda, J

Bench : Single Bench

Advocate : Sheela Krishna, for the Appellant; S.B. Mukkannappa and Associates, for the Respondent

Judgement

A.N. Venugopala Gowda, J.—Respondent filed an application u/s 10(4-A) of the Industrial Disputes Act, 1947 against the Petitioner, for refusing employment with effect from 17.3.2000. The notice of claim though was served on the Petitioner/management, statement of objections was not filed. The workman has deposed and Exs.W1 to W4 were marked. For the management, no evidence was adduced. During the pendency of the dispute, the workman has joined duty as is evident from his deposition dated 2.8.2005. He was taken back to duty on 26.2.2002 and was paid the wages. As a result, the claim was confined only for payment of wages for the period commencing from 16.3.2000 up to 25.2.2002. The Labour Court allowed the claim and has directed the Petitioner to reinstate the workman into service with continuity of service together with full back wages i.e., 17.3.2000 till he was reinstated into service i.e., 25.2.2002. Feeling aggrieved, the management has filed this writ petition.

2. Learned Counsel appearing on both sides after hearing the matter for sometime submitted that, there could be a lumpsum payment by the Petitioner to the Respondent covering the wages for the period from 17.3.2000 to 25.2.2002.

3. Keeping in view the facts and circumstances of the case and the fact that the

Petitioner has already taken back the workman to duty, in my opinion, it would meet the ends of justice if the Petitioner is directed to pay a lumpsum amount of Rs. 25,000/- to the Respondent in modification of the impugned award i.e., the back wages for the aforesaid period.

4. Smt. Sheela Krishna has no objection for the proposal made by the Court and Sri S.B. Mukkannappa, the learned Counsel appearing for the Respondent also stated that the same is acceptable to him.

5. In the circumstances, the writ petition stands allowed in part. The impugned award stands modified. In lieu of the back wages payable for the period from 17.3.2000 to 25.2.2002, the Petitioner shall pay to the Respondent Rs. 25,000/- within a period of two months from the date a copy of this order becomes available. The Petitioner shall continue the Respondent in employment.

Writ petition stands disposed of accordingly.