

(2008) 02 AHC CK 0027
In the Allahabad High Court

U.P. State Brassware Corporation Ltd.	APPELLANT
Vs	
Mirza Zahid Beg and Others	RESPONDENT

Date of Decision : 20-02-2008

Acts Referred:

Citation : (2008) 117 FLR 399

Hon'ble Judges : Tarun Agarwala, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Tarun Agarwala, J.—List has been revised. Learned Counsel for the respondents is not present.

2. The petitioner has challenged the award of the Labour Court, by which respondent workman has been reinstated with back wages with continuity of service. During the pendency of the writ petition, the petitioner was directed to reinstate the workman and based on the interim order, the workman was reengaged and continue to work till he retired on 5.8.2004. It has also come on record that the petitioner-company has closed down irrevocably and is not functioning.

3. Consequently, in view of the retirement of the workman, the question of back wages from the date of termination till the date of reinstatement which is about 3 years and 6 months remains to be adjudicated.

4. Learned Counsel for the petitioner has conceded that since the petitioner-company has closed down therefore full back wages should in be ordered to be paid as it would become onerous and that lesser back wages could be awarded.

5. In my opinion, since the learned Counsel for the respondent-workman not present, the employers are directed to pay 50% of back wages within three months from today.

The writ petition is allowed and the award of the Labour Court is modified to this

effect.