

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5846 OF 2014

[Arising out of Special Leave Petition (Civil) No.8394 of 2013]

U.P. State Road Transport Corporation & Anr. .. Appellant(s)

s)

-vs-

Zahid Hussain .. Respondent(s)

JUDGMENT

C. NAGAPPAN, J.

1 Leave granted.

2. This appeal is preferred against the judgment and order dated 12.9.2012 passed by the High Court of Judicature at Allahabad in Writ-C no.45914 of 2012.

3. The respondent herein was employed as driver in the appellants-Corporation since 1980 and disciplinary proceedings were initiated against him on the charges that he absented from duty from 1.7.1993 to 22.8.1993; after joining duty, while he was hauling a stranded vehicle through his break down truck on

Signature Not Verified

Digitally signed by Mahabir Singh

Date: 2014.07.10 13:13:59 IST Reason:

13.9.1993, he carried passengers on the said truck and under

intoxication he refused to attend another stranded vehicle of the Corporation and demanded money from that driver.

The

Enquiry Officer, in his report, found the first two charges proved and the third charge partly proved and consequently, the services of the respondent was terminated w.e.f. 31.3.1999. The appeal preferred by him came to be dismissed on 10.2.2000. At the instance of the respondent herein, a Reference was made to the Labour Court, Rampur with regard to the legality of the termination and the Labour Court held that the charges were

not proved and the termination was illegal and consequently, directed reinstatement with continuity of service and full back wages. The Corporation challenged the award by filing the Writ Petition and the High Court after hearing both sides, upheld the award and dismissed the Writ Petition. The Corporation challenged the said order by filing the Special Leave Petition and this Court by order dated 11.2.2013 issued notice limited to the award of back wages.

4. The learned counsel for the appellants contended that the respondent herein is not entitled for full back wages since he has not worked during the relevant period. Per contra, the learned counsel for the respondent submitted that the discretion exercised by the courts below to grant full back wages cannot be faulted with. The respondent herein is a driver by profession and he has put in long service in the appellants-Corporation.

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Considering the facts and circumstances of the case, grant of 25% of back wages, in our view, would meet the ends of justice and it is decided accordingly.

5. In the result, the respondent herein shall be entitled to 25% of back wages alone and the award is modified accordingly. The appeal is disposed of in the above terms.

.....J.
(T.S. Thakur)

.....J.
(C. Nagappan)

New Delhi;
June 30, 2014.

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ITEM NO.1D
(For judgment)

COURT NO.4

SECTION XV

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Civil Appeal No.5846 of 2014 @ SLP(C) No.8394 of 2013

U.P.STATE ROAD TRANSPORT CORPORATION AND ANR.

Appellant(s)

VERSUS

Date : 30/06/2014 This matter was called on for judgment today.

For Appellant (s) Mr.Pradeep Misra, Adv.

For Respondent(s) Ms. Shweta Garg,Adv.

Hon'ble Mr. Justice C.Nagappan pronounced the judgment of the Bench comprising Hon'ble Mr. Justice T.S.Thakur and His Lordship.

Leave granted.

The appeal is disposed of in terms of the signed judgment:

"5. In the result, the respondent herein shall be entitled to 25% of back wages alone and the award is modified accordingly. The appeal is disposed of in the above terms."

(MAHABIR SINGH)
COURT MASTER

(VEENA KHERA)
COURT MASTER

(Signed non-reportable judgment is placed on the file)