

ITEM NO.110

COURT NO.7

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(s). 1082 OF 2007

PUNJAB STATE ELECTRICITY BOARD

Appellant (s)

VERSUS

GURMEJ SINGH

Respondent(s)

Date: 17/02/2010 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU
HON'BLE MR. JUSTICE K.S. RADHAKRISHNAN

For Appellant(s)

Mr. Harinder Mohan Singh, Adv.
Ms. Shabana Saifi, Adv.

For Respondent(s)

Mr. Jagjit Singh Chhabra, Adv.

UPON hearing counsel the Court made the following
O R D E R

The appeal stands disposed of with the modification in the impugned judgment and orders that while upholding the Award of the Labour Court for reinstatement of the respondent with continuity of service, it is directed that the respondent will only be entitled 25% of the backwages instead of full backwages.

No order as to the costs.

(Ajay Kr. Jain)
Court Master

(Indu Satija)
Court Master

(Signed order is placed on the file)
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 1082 OF 2007

Punjab State Electricity Board

.... Appellant

Versus

Gurmej Singh

.... Respondent

O R D E R

Heard learned counsel for the parties.

This appeal has been filed against the impugned judgment and order dated 28.05.2002 in C.W.P. No. 19982/2001 and order dated 09.09.2004 in Review Application of the High Court of Punjab & Haryana at Chandigarh whereby the writ petition as well as the review application filed by the appellant herein have been dismissed and the Award dated 15.01.2001 of the Labour Court, Gurdaspur has been upheld. By the order dated 15.01.2001 the Labour Court has accepted the Reference under the Industrial Disputes Act and directed reinstatement of the respondent herein with continuity of service and full back wages from the date of termination i.e., 01.01.1993.

The facts in detail have been mentioned in the impugned judgment and order of the High Court as well as the order of the Labour Court. Hence, we are not repeating the same here.

On the facts of the present case, while upholding the Award of the Labour Court for reinstatement of the respondent with continuity of service, we direct that the respondent will only be entitled to 25% of the backwages instead of full backwages. The impugned judgment and orders of the High Court as well as that of the Labour Court, Gurdaspur are modified accordingly.

With the above modification in the impugned judgment and orders, we dispose of this appeal. No order as to the costs.

.....J.
(MARKANDEY KATJU)

.....J.
(K.S. RADHAKRISHNAN)