

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

Petition(s) for Special Leave to Appeal (Civil) No.4618/2003

(From the judgement and order dated 15/03/2002 in CWP 4457/2002
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

ESTATE OFFICER, H.U.D.A. & ANR.

Petitioner (s)

VERSUS

SHAMSHER SINGH

Respondent (s)

(With prayer for interim relief and office report)

Date : 22/09/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SHIVARAJ V. PATIL
HON'BLE MR. JUSTICE D.M. DHARMADHIKARI

For Petitioner (s)Mr. J.P. Dhanda,Adv.
Ms. Raj Rani Dhanda,Adv.
Mr. Vineet Dhanda,Adv.

For Respondent (s)Mr. Atul Kumar,Adv.
Mr. Ranbir Yadav,Adv.

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

Heard the learned counsel for the parties for a while.

Leave granted.

The civil appeal is disposed of.

No costs.

[T.I. Rajput][Shelly Sengupta]
Court Master Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

Estate Officer, H.U.D.A. & Anr. ...Appellant(s)

Versus

Shamsher Singh ...Respondent(s)

O R D E R

Heard the learned counsel for the parties.

Leave granted.

The learned counsel for the respondent complains that even though the notice was issued in this case limited to the payment of back wages, the respondent has not yet been reinstated. He also submitted that the Labour Court, in its discretion, has granted only seventy percent of the back wages and they may not be further reduced. The learned counsel for the appellants states that the respondent, if not already reinstated, shall be reinstated within a period of four weeks from today. He urged that when the respondent did not work, the payment of seventy percent back wages, as ordered by the Labour Court, is not at all justified.

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In the light of the submissions of the learned counsel for the parties and having regard to the facts and circumstances of this case, we dispose of the appeal by the following order:

The respondent shall be reinstated within a period of four weeks, if not already reinstated; and the payment of back wages is confined to only twenty five percent instead of seventy percent, as ordered by the Labour Court.

No costs.

.....J.
[SHIVARAJ V. PATIL]

.....J.
[D.M. DHARMADHIKARI]

New Delhi,
September 22, 2003.