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SLP(C)No. 2890 OF 2001  
ITEM No.202

Court No. 5

SECTION XV  
A/N MATTER

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

Petition(s) for Special Leave to Appeal (Civil) No.2890/2001  
(From the judgement and order dated 18/07/2000 in CP 6902/00  
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

MUNICIPAL COUNCIL, JIND & ANR.

Petitioner (s)

VERSUS

RAJINDER PARSHAD

Respondent (s)

(With prayer for interim relief and office report)  
( For Final Disposal )

Date : 18/07/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DORAISWAMY RAJU

HON'BLE MR. JUSTICE ARIJIT PASAYAT

For Petitioner (s)Mr. Mahabir Singh,Adv.

For Respondent (s)Mr. J.P. Dhanda,Adv.

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

Heard learned counsel for the parties for about half  
an hour.

Leave granted.

The appeal is disposed of in terms of the signed order. No costs.

(Neena Verma) (Om Prakash)  
Court Master Court Master

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5042 OF 2003  
(@ Special Leave petition @ No.2890 of 2001)

Municipal Council, Jind & Anr..... Appellants

Versus

Rajinder Parshad ..... Respondent

O R D E R

Leave granted.

The above appeal has been filed against the decision of the Division Bench of the Punjab & Haryana High Court dated 18.07.2000 in CWP No.6902 of 2000 whereunder the challenge made to the award of the Labour Court dated 29.07.1999 directing reinstatement without back wages from the date of termination till 10.10.1988 and from 17.07.1991 to 08.02.1996, came to be repelled. Mr. Mahabir Singh, learned counsel appearing for the appellant urged certain legal issues questioning the legality and the propriety of the award as also the direction issued for the reinstatement of the respondent-worker. With equal vehemence the learned counsel for the respondent sought to meet the same placing reliance upon certain decisions of this Court. The peculiar facts of the case on hand does not need an effective adjudication of all such issues, at considerable detail or length. The challenge therefore to the restoration of proceedings by the Labour Court cannot be said to be in any manner illegal. On a consideration of the relevant materials on record and the issues raised, we find that the Labour Court as well as the High Court has given sufficient and convincing reasons to order reinstatement. The fact remains that despite the award of the Labour Court for the reinstatement, the matter was pursued on writ petition and the respondent has not been allowed to join and work to earn his salary. Keeping in view at the same time that the workmen did not possess at the time of his initial appointment all the required qualifications and the fact that the reinstatement is itself a discretionary and beneficial relief granted to the respondent, we consider it to be appropriate, just and reasonable, while repelling the challenge to the award of the Labour Court and that of the order of the High Court, to confine the payment of back wages to the respondent only for the period subsequent to the decision of the High Court dated 18.07.2000 and disallow back wages from the date of dismissal upto the said period. The appellant will do well to restore the appellant to his job within 30 days from today and pay arrears from 18.07.2000.

The appeal is finally disposed of on the above terms. No costs.

.....J.  
(DORAISWAMY RAJU)

.....J.  
New Delhi, (ARIJIT PASAYAT)  
July 18, 2003.