

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 2359 OF 2007

M/S. MEDI-CAPS LTD.

Appellant (s)

VERSUS

BUDDHA SEN

Respondent(s)

(With appln(s) for permission for urging additional facts and office report)

Date: 22/11/2007 This Appeal was called on for hearing today.

CORAM :

HON'BLE Dr. JUSTICE ARIJIT PASAYAT
HON'BLE MR. JUSTICE P. SATHASIVAM

For Appellant(s) Mr. Guru Krishna Kumar,Adv.
Mr. Girish S. Patwardhan,Adv.
Ms. Srikala Gurukrishna Kumar,Adv.

For Respondent(s) Mr. Rameshwar Prasad Goyal,Adv.(N.P.)

UPON hearing counsel the Court made the following
ORDER

The appeal is allowed to the extent indicated in the
signed order. No costs.

(Neena Verma)
Court Master

(Vijay Aggarwal)
Court Master

Signed order is placed on the file.
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2359 OF 2007

M/s. Medi Caps Limited

...Appellant

Versus

Buddha Sen

...Respondent

ORDER

Heard learned counsel for the appellant.

None appears on behalf of the respondent.

The only grievance in this appeal is to the direction for payment of back wages. It is the case of the appellant that inspite of various directions to the respondent to join, he did not do so. position is undisputed. Even in the written statement filed before the Labour Court, it was clearly stated that the employer is willing to take back the respondent.

This

Above being the position, the direction for payment of back wages by the Industrial Court, as upheld by the High Court, do not stand to reason. Therefore, the direction for payment of back wages stands nullified.

The appeal is allowed to the aforesaid extent. No costs.

.....J.

(Dr. ARIJIT PASAYAT)

.....J.
(P. SATHASIVAM)

New Delhi,
November 22, 2007.