

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 5756 OF 2009

| EXECUTIVE ENGINEER, U.P. STATE ELECTRICITY BOARD | ... | APPELLANT(s) |

| Versus |

| RAM KUMAR SHUKLA | ... | RESPONDENT(s) |

O R D E R

We have heard Mr. Sachin Sharma, learned counsel for the appellant and Mr. Guru Krishna Kumar, learned senior counsel for the respondent.

2. The services of the respondent were terminated by the appellant on September 19, 1990. The respondent raised industrial dispute which was referred for adjudication to the Labour Court, Kanpur. The appellant herein did not appear before the Labour Court. The Labour Court, accordingly, proceeded ex-parte. After recording the evidence of the workman-respondent and hearing his counsel, the Labour Court passed an award on October 14, 2003. In its award, the Labour Court held that the termination of the respondent's services was illegal and consequently ordered his reinstatement with continuity of service and full back wages from September 19, 1990.

3. The appellant challenged the award passed by the Labour Court in a Writ Petition before the Allahabad High Court. The Single Judge of that court partly allowed the Writ Petition insofar as the award of back wages was concerned. Rest of the award was upheld.

4. We are informed by Mr. Sachin Sharma, learned counsel for the appellant that the respondent has been reinstated pursuant to the judgment of the High Court dated November 22, 2007.

5. Having regard to the above, we are satisfied that this is not a fit case to upset the award of reinstatement now. Insofar as back wages are concerned, in our view, the respondent was not entitled to any back wages and that part of the award is, accordingly, set-aside.

6. With the above modification, the judgment of the High Court is affirmed.

7. Civil Appeal is disposed of accordingly. No costs.

.....J.
(R.M. LODHA)

.....J.
(SUDHANSU JYOTI MUKHOPADHAYA)

NEW DELHI
JANUARY 16, 2013.

ITEM NO.115

COURT NO.5

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). 5756 OF 2009

EXEC.ENG.U.P.STATE ELECT.BEARD

Appellant (s)

VERSUS

RAM KUMAR SHUKLA

Respondent(s)

Date: 16/01/2013 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.M. LODHA

HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Appellant(s) Mr. Sachin Sharma, Adv. for
Mr. Sunil Kumar Jain,Adv.

For Respondent(s) Mr. Guru Krishna Kumar, Sr. Adv.
Mr. K.B. Upadhyay, Av.
Mr. Shailesh Tiwari, Adv. for
Mr. S.R. Setia,Adv.

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

Civil Appeal is disposed of in terms of signed order. No
costs.

|(Pardeep Kumar)
|Court Master

|(Renu Diwan)
|Court Master

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[SIGNED ORDER IS PLACED ON THE FILE]