

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 9686 OF 2010

KARNATAKA STATE ROAD TRANSPORT
CORPORATION & ORS.

APPELLANT(S)

VERSUS

B.H.HUCHAPPA

RESPONDENT(S)

O R D E R

The present appeal has been preferred by the appellant/Corporation assailing the judgment passed by the Division Bench of the High Court reversing the finding returned by the learned Single Judge and directed the Corporation to reinstate the respondent/workman in service along with back wages from the date of award dated 22.08.2005 until reinstatement.

Limited notice was issued by this Court on 08.07.2010 restricting the payment of back wages awarded by the Division Bench of the High Court subject to reinstatement of appellant in service.

In the given circumstances, detailed facts emerged from the record may not be necessary for appreciation by this Court.

The respondent/workman joined service of the Corporation/appellant as a Conductor in the year 1982 and was later confirmed in the year 1984. While in service, disciplinary inquiry was initiated against the respondent/workman and the Inquiry

Officer found him guilty of the charges levelled, which resulted in dismissal of the respondent/workman from service.

After disciplinary inquiry, the matter being adjudicated by the Labour Court followed by the Single Judge of the High Court and finally the Division Bench of the High Court vide its judgment dated 22.10.2009 set aside the award of the Labour Court and judgment of the learned Single Judge and arrived to a conclusion that there was a defect in the disciplinary inquiry and directed reinstatement with continuity of service along with back wages from date of the Award till reinstatement. Pursuant thereto, the respondent was reinstated on 21.08.2010.

When the matter last came up before us, we directed the counsel for the Corporation to submit an affidavit in compliance of this Court's order dated 27.10.2021 stating *inter alia* as to what service benefits, including wages, the respondent/workman was entitled for under the relevant rules.

In compliance thereof, an affidavit dated 31.01.2022 has been filed by the Corporation. It has been stated in the affidavit that the respondent/workman attained the age of superannuation on 31.08.2019 and provident fund was paid to him and the gratuity amount of Rs. 5,41,128/- has been withheld because of the interim order of this Court dated 08.07.2010.

Having heard learned Counsel for the parties and taking into consideration the material on record and the fact, in particular, in reference to which limited notice was issued by this Court, we consider it appropriate to observe that let the amount of gratuity, which has been withheld by the Corporation, shall be made over to

the respondent/workman with interest at the rate of 9% per annum until actual payment.

At the same time, so far as the back wages from the year 2005-2010 are concerned, for which the respondent/workman is entitled for, we consider it appropriate to observe that let Rs.2,50,000/- towards compensation in lieu of back wages be paid to the respondent/workman within a period of four weeks, failing which the amount of compensation shall carry interest at the rate of 9% till actual payment.

The observations made by the High Court under the impugned judgment directing the Corporation to make amendments in the Karnataka State Road Transport Corporation Rules stand deleted.

With the aforesaid observations, the appeal stands disposed of.

Pending application(s), if any, shall stand disposed of.

..... J
(AJAY RASTOGI)

..... J
(VIKRAM NATH)

NEW DELHI
MAY 18, 2022.

ITEM NO.105

COURT NO.12

SECTION IV-A

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

Civil Appeal No(s). 9686/2010

KARNATAKA STATE ROAD TRANSPORT CORPORATION & ORS. Appellant(s)

VERSUS

B.H.HUCHAPPA

Respondent(s)

Date : 18-05-2022 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AJAY RASTOGI
HON'BLE MR. JUSTICE VIKRAM NATHFor Appellant(s) Mr. T.S. Shanthi, Adv.
Mr. Sanjeev Kumar, Adv.
Mr. Narendra Kumar, AORFor Respondent(s) Mr. R. Ramesh, Adv.
Ms. A. Sumathi, AOR
Kasi Viswaweswar, Adv.UPON hearing the counsel the Court made the following
O R D E R

The appeal stands disposed of in terms of the signed order.

Pending application(s), if any, stands disposed of
accordingly.(BEENA JOLLY)
COURT MASTER (NSH)(ASHWANI THAKUR)
ASTT. REGISTRAR-cum-PS

(Signed order is placed on the file)