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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No.7103 OF 2011
(Arising out of S.L.P. (C) No.18299 of 2010)

BHARAT PRASAD

Appellant(s)

VERSUS

MGT.M/S FASHION FAC. INTERNATIONAL
P.LTD.

Respondent(s)

O R D E R

Delay condoned.

Leave granted.

This appeal is directed against the judgment and order dated 20th March, 2009, passed by the Delhi High Court in W.P.(C) No.7620 of 2009, in which the appellant had challenged the award dated 24th October, 2008, passed by the learned Tribunal. According to the appellant, he had been appointed as a Paster Man on 15th November, 1998, and his services were wrongfully terminated by the respondent-Management in 2005. The matter was referred to the Labour Court on the terms of reference as to whether his services had been terminated illegally and/or unjustifiably by the Management and, if so, to what relief was he entitled.

While issuing notice on the special leave petition on 7th July, 2010, we had confined the same to the question of reinstatement without payment of back wages.

When the matter is taken up today for hearing, learned counsel for the appellant has drawn our notice to the evidence of Shri K.S. Chawala, who had been examined on behalf of the respondent-Management. In his cross-examination on recall on 7th August, 2008, he had stated that the Management was ready to take back the workman/appellant on duty, but without back wages for his period of absence. It is, in fact, the said statement which has prompted us to issue notice in the said case.

Having heard learned counsel for the appellant, as well as for the Management and the fair stand taken on behalf of the Management, we direct that the appellant be taken back in service by the respondent-Company, but without payment of any back wages. For the said purpose, the appellant shall file a joining letter to the respondent-Company within a week from date and on receipt of the same, the respondent-Company shall allow the appellant to rejoin his duties on and from 1st September, 2011.

The appeal is disposed of accordingly.

.....J.
(ALTAMAS KABIR)

.....J.
(CYRIAC JOSEPH)

.....J.
(SURINDER SINGH NIJJAR)

New Delhi;
August 18, 2011.
ITEM NO.3

COURT NO.2

SECTION XV

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

I.A. No.7/2011 IN
Petition(s) for Special Leave to Appeal (Civil) No(s).18299/2010

(From the judgement and order dated 20/03/2009 in WP No. 7620/2009
of The HIGH COURT OF DELHI AT N. DELHI)

BHARAT PRASAD Petitioner(s)

VERSUS

MGT.M/S FASHION FAC.INTERNATIONAL P.LTD. Respondent(s)

(With appln(s) for early hearing and office report)

Date: 18/08/2011 This Petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ALTAMAS KABIR
HON'BLE MR. JUSTICE CYRIAC JOSEPH
HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR

For Petitioner(s) Mr. V. Sivasubramanian, Adv.
Mr. Mohan Kumar, Adv.
Mr. Rohit Pratap, Adv.

For Respondent(s) Mr. Rajesh Aggarwal, Adv.
 Mrs. Mridul Aggarwal, Adv.

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

Delay condoned.

Leave granted.

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

(Chetan Kumar)
Court Master

(Juginder Kaur)
Assistant Registrar

(Signed order is placed on the file)