

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.....OF 2013  
(Arising out of SLP (C) 16559 of 2010)

DELHI TRANSPORT CORP. Appellant(s)

VERSUS

BHIM SINGH & ORS. Respondent(s)

O R D E R

Leave granted.

Heard learned senior counsel appearing for the appellant and learned counsel appearing for the respondents.

The appellant-Corporation has been aggrieved by the impugned Judgment passed in favour of the respondent, who was reinstated in service and has been ordered to be paid 100% back wages. The learned senior counsel appearing on behalf of the appellant has submitted that 100% back wages ought not to have been granted to the respondent for the reason that even as per the submission made by learned counsel for the respondent, the respondent had worked elsewhere and he was earning his livelihood during the period of dismissal/suspension. It is further submitted that complete details with regard to his income during the period of his dismissal has not been given by the respondent and, therefore, the respondent ought not to have been awarded 100% back wages.

On the other hand, the learned counsel appearing on behalf of the respondent-employee has submitted that the respondent was doing minimal work during his dismissal/suspension and he could never earn substantial amount so as to maintain his family and, therefore, he had to borrow money also.

Looking to the facts of the case, in our opinion, it would be just if the respondent is awarded 50% of the back wages.

We have been informed that by an interim order, 25% of the back wages have already been paid to the respondent during the pendency of this appeal. Therefore, we direct that in all, 50% back wages be given to the respondent by the appellant-Corporation and the amount which has already been paid to the respondent shall be adjusted from the amount, as awarded above.

The remaining amount, as aforesaid, shall be paid to the respondent by the appellant-Corporation within two months from today.

With the above directions, the Civil Appeal stands partly allowed. No order as to costs.

.....J.  
[ANIL R. DAVE]

.....J.  
[A. K. SIKRI]

New Delhi;  
July 12, 2013.

ITEM NO.201 COURT NO.14 SECTION XIV

Petition(s) for Special Leave to Appeal (Civil) No(s).16559/2010

(From the judgement and order dated 29/04/2010 in WP No.2870/2010 of The HIGH COURT OF DELHI AT N. DELHI)

DELHI TRANSPORT CORP.

Petitioner(s)

VERSUS

BHIM SINGH & ORS.

Respondent(s)

(With appln(s) for permission to place addl. documents on record, permission to file rejoinder affidavit, PERMISSION TO PLACE ADDL. FACTS AND GROUNDS and prayer for interim relief and office report)

Date: 12/07/2013 This Petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ANIL R. DAVE  
HON'BLE MR. JUSTICE A.K SIKRI

For Petitioner(s) Mr. M.N.Krishnamani, Sr. Adv.  
Dr. Monika Gusain, Adv.  
Mr. Hari Om Yaduvanshi, Adv.

For Respondent(s) Mr. Anil Mittal, Adv.  
Mr. Vibhuti Sashant Gupta, Adv.  
Dr. Kailash Chand, Adv.

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

Leave granted.

The Civil Appeal is partly allowed in terms of the signed order.

| (Jayant Kumar Arora)  
| Sr. P.A.

| | (Sneh Bala Mehra)  
| | Court Master

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