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C.A.No. 6827 OF 2000
.UP 10 2; Draft, smtst; -n -PA4 -dFX-NORMAL -y -e; dumbp
L.....T.....T.....T.....T.....T.....T.....T.....T.....T.....T.....R
ITEM No.102 Court No.6 SECTION XV

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.6827 OF 2000@@
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Director, Local Bodies, Haryana Appellant (s)

VERSUS

Bajrang Lal Respondent (s)

With Civil Appeal No.4140 of 2001

Date : 04/10/2001 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU
HON'BLE MR. JUSTICE DORAISWAMY RAJU

For Appellant (s) Mr. Neeraj Kumar Jain, adv.
Mr. J.P. Dhanda, adv.

For Respondent (s) Mr. Balbir Singh Gupta, adv.
Mr. Dinesh Kumar Garg, adv.

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

.....L.....I.....T.....T.....T.....T.....T.....T.....J
.SP2

The appeals are partly allowed in terms of the
signed order.

.SP1

(Neena Verma)
Court Master

(Om Prakash)
Court Master

Signed order is placed on the file.

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.UP 10 2; Draft, smtst; -n -PA4 -dFX-NORMAL -y -e; dumbp
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.PL54

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.6827 OF 2000@@

Director, Local Bodies, Haryana Appellant

Versus

Bajrang Lal Respondent

WITH
Civil Appeal No.4140 of 2001

O R D E R@@
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.....L.....I.....T.....T.....T.....T.....T.....T.....J
.SP2

The appellant is aggrieved by an order made by the High Court in a Writ Petition which was filed by the appellant challenging an order made by the Labour Court directing the re-instatement of the respondent with full back wages holding his termination of services on 28.02.1986 to be illegal. It is clear from the Award made by the Labour Court that the first respondent raised the demand for his re-instatement on 22.02.1991 pursuant to which a reference was made in the year 1993. The Labour Court, after having examined the question whether the appellant's demand made in the first instance on 19.04.1985 came to an end on 28.02.1986 and whether the fresh order of appointment made on 10.05.1986 is to be read along with an earlier order . . .2/-

: 2 :

or independent of it, has been duly considered and the High Court took the view that the Labour Court has properly appreciated the position and determined that his termination is bad. We do not have any reason to disagree with the view taken by the Labour Court as affirmed by the High Court. So far as the back wages are concerned, it is clear that the demand raised by the first respondent is rather belated in such a way that he had not worked for over seven years and to raise the demand for claiming back wages would not be appropriate and, therefore, the Labour Court ought not to have allowed full back wages. However, wages shall be payable from the date the Award is made by the Labour Court.

The appeals are, therefore, allowed to the extent indicated above in part. In all other respects, the Award made by the Labour Court, as affirmed by the High Court shall stand.

.SP1

.....J.
(S. RAJENDRA BABU)

New Delhi,
October 04, 2001.

.....J.
(DORAISWAMY RAJU)