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C.A.No. 2140 OF 1999

.....L.....I.....J  
~ ITEM NO117 COURT NO.7 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.2140/1999

Kailash C.Jain .. Appellant (s)  
Petitioner(s)

Vs.

M.P.S.R.T.C. & Ors. .. Respondent(s)

DATE : 22.2.2001 : This/These matter (s) was/were  
called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU  
HON'BLE MR. JUSTICE S.N. PHUKAN

For Appellant (s) : Mr. Rajesh, Adv.  
Mr. S.S. Nehra, Adv.

For Respondent (s) : Ms. N. Behl, Adv.  
Mrs. J.S. Wad, Adv.

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

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The appeal is dismissed in terms of the signed  
order.

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(Meenu Sethi) (R.K. Kumar)  
Court Master Court Master

Signed order is placed on the file

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2140 OF 1999@@  
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Kailash C. Jain .. Appellant

Vs.

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A miscellaneous application was filed claiming back wages before the Labour Court. The Labour Court took the view that on an earlier occasion when the appellant had obtained an order in M.P. No. 18/1980, sought for quashing of the order of termination and for payment of costs, there is no specific prayer for payment of back wages at all. In those circumstances, the Labour Court refused to grant that relief. The matter was carried by way of a writ petition to the High Court. The High Court was of the view that the relief of back wages was refused to the appellant and, therefore, the Labour Court was justified in not granting the same. In order to satisfy ourselves as to what had transpired, we asked the learned counsel to produce before us the petition filed under Article 226 read with 227 of the Constitution of India in M.P. No. 18/1980. That copy does not disclose that the appellant had sought for grant of back wages at all. All that he had sought for was quashing of the order made by the Labour Court

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and to seek for quashing of the order of termination and relief of costs and no other relief. In the circumstances, therefore, we find that the view taken by the High Court is justified though for different reasons as what is stated by the High Court is that the relief of back wages had not sought for and the same cannot be granted while such relief had not been sought for at all.

However, learned counsel for the appellant submitted that when the order of termination was set aside, it would mean that there should be an implied direction of back wages. We do not think so. The relief of back wages may be granted or may not be granted in a specific case; or the same can be granted subject to certain terms; or can be reduced to a lower quantum, in certain cases the relief of back wages can be denied totally if the person is employed somewhere. No such inquiry could be made in this case as the relief was not sought for. In the circumstances, we do not think the learned counsel for the appellant is justified in his submissions. The appeal is dismissed.

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( S. RAJENDRA BABU )@@  
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( S.N. PHUKAN )@@  
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New Delhi, @@  
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February 22, 2001.