

Pannijee Sugar and General Mills

Vs

Workmen

Civil Appeal No. 1819 (NC) of 1982

(V. D. Tulzapurkar, A. Varadarajan JJ)

03.05.1982

JUDGMENT

1. Special leave granted.

2. After hearing counsel on either side we are satisfied that the last part of the Labour Court's award deserves to be quashed because that question will have to be reconsidered by the Labour Court. The appellant has already reinstated the workman as per the directions of the Labour Court given in the earlier part of the award and the only question that will now be reconsidered by the Labour Court is in regard to the quantum of the back wages to which the worker is entitled which will have to be decided having regard to the fact that the worker has admittedly been a seasonal worker. We therefore set aside that part of the award which directs the employer to compensate the worker for the loss of his wages and other benefits from January 25, 1976 to the date of reinstatement. That part of the dispute is referred back to the Labour Court with a direction to consider the question as to whether worker is entitled to back wages for all the seasons which he has lost or for a particular season or for the entire period and for quantification of the relief. The Labour Court would also take into consideration evidence, if any, that may be led by both the parties on the question whether the worker was gainfully employed elsewhere during the time he was no working with the employer. The Labour Court should dispose of the matter within four months from May 17, 1982 on which date the parties are directed to appear before it.

3. The appeal stands disposed of accordingly with no order as to costs.

</html