

Lucas India Service Ltd.

Vs

Presiding Officer, Labour Court, Madras and Another

Civil Appeal No. ... of 1996

(CJI A. M. Ahmadi, Sujata V. Manohar JJ)

03.01.1996

ORDER

1. Special leave granted.

2. Heard counsel on both sides. We find it difficult to appreciate how the Tribunal could have directed the Management to pay back wages from 28-2-1986 to 19-5-1992 even after upholding the order of dismissal from service. The respondent-employee did not join service at Bangalore pursuant to the order of transfer. Indisputably, the post was a transferable one. He was, therefore, subjected to a domestic inquiry and after the findings were returned he was visited with the penalty of dismissal from service. The employer showed indulgence by giving him an opportunity to join even after the findings were returned but the employee was adamant and did not join and brought upon himself the order of dismissal. The High Court in para 12 of the order states that the order directing payment of back wages is incongruous and inconsistent but refused to interfere with the award. We find that the reasons given for granting back wages for a period of over six years are thoroughly unsustainable. In the result, we allow the order to stand. We, therefore, set aside the order of the Tribunal directing the Management to grant back wages for the period 28-2-1986 to 19-5-1992 and the subsequent orders affirming the same by the High Court and hold that in the facts and circumstances of the case the employee is not entitled to any amount by way of back wages. We, therefore, set aside that portion of the order of the Tribunal as affirmed by the High Court. The amount deposited by the appellant pursuant to our order shall be returned to the appellant. The appeal will stand disposed of accordingly with no order as to costs.