

# SUPREME COURT OF INDIA

Management, Lokashikshana Trust No. 2, Bangalore

Vs.

Presiding Officer, Labour Court

(S.P. Bharucha, A.S. Mishra and Ruma Pal JJ.)

10.03.2000

## ORDER

**S.P. BHARUCHA, J.**

1. Leave granted.

2. The Appellants run a newspaper. There was a strike in their establishment; it commenced on 16th September, 1990 and ended in July, 1991. Against the second Respondent and about 180 other workmen, disciplinary proceedings were launched. They culminated in orders of dismissal. The workmen, the second Respondent included, filed applications before the Labour Court against the orders of dismissal. The application was filed by the second Respondent on 14th October, 1991. The Labour Court made its Award on 31st August, 1995. It held that the strike was illegal, that the disciplinary inquiry was valid but that the punishment of dismissal was disproportionate to the charge. Accordingly, it directed the Appellants to reinstate the second Respondent, "with stoppage of two increments with cumulative effect and deduction of full backwages from the date of dismissal till the date of this application. The claimant is entitled to full back wages from the date of this application with other reliefs." The Award of the Labour Court was impugned by the Appellants in a writ petition filed before the High Court of Karnataka. The learned Single Judge who heard the writ petition found no infirmity in the Award. The Appellants filed an appeal, which met the same fate at the hands of a Division Bench. Against the order of the Division Bench, the Appellants are here by special leave.

3. It should be added that pending the disposal of the proceedings before the High Court, the second Respondent was reinstated in service on 19th July, 1996. The dispute now is only in regard to the quantum of back wages that the Appellants must pay the second Respondent.

4. It is submitted on behalf of the Appellants that the strike having been held to be illegal and the disciplinary inquiry valid, the Appellants ought to have been free to impose the appropriate punishment. The requirement that they pay back wages for the period, 2nd September, 1991, being the date of dismissal, and 17th July, 1996, being the date of reinstatement, is far too onerous.

5. Having heard learned Counsel, we are of the view that the Award of the Labour Court upheld by the High Court needs to be modified to this extent: the Appellants shall pay to the second Respondent sixty per cent of the back wages due to him for the period, 2nd September, 1991 to 17th July 1996.

6. The civil appeal is allowed to this extent.

7. No order as to costs.