

SUPREME COURT OF INDIA

Anil Kumar Puri

Vs.

Presiding Officer, Labour Court, Chandigarh

(S.B. Majmudar and Y.K. Sabharwal JJ.)

31.03.2000

ORDER

1. Leave granted.

2. We have heard learned Counsel for the appellant and learned Counsel for respondent No. 2 finally in this appeal. Respondent No. 1 is a pro forma party.

3. The appellant's grievance is that when his termination dated 20.10.1989 was set aside by the Labour Court on account of the finding that there was breach of Section 25-F of the Industrial Disputes Act, 1947, on the part of respondent-Management, he was wrongly denied back wages on the ground that he had raised the industrial dispute after a period of more than five years. His case is that in the meantime he had promptly approached the Central Administrative Tribunal and the matter was admitted and remained pending for five years before the Central Administrative Tribunal. The Central Administrative Tribunal ultimately took the view that it had no jurisdiction to entertain the dispute. Therefore, it cannot be said that there was deliberate delay on the part of the appellant-workman in raising an industrial dispute. We agree with this submission of learned Counsel for the appellant. But on the peculiar facts of this appeal, especially when the respondent-Management was not responsible for the delay before the Central Administrative Tribunal, we hold that the period for which the back wages are claimed, should require the burden to be equally borne by both the sides. We, therefore, direct by partly allowing this appeal that the appellant will be entitled to 50% back wages from the date of termination till he was actually reinstated. The orders passed by the Labour Court and the High Court will stand modified accordingly. There will be no order as to costs.