

SUPREME COURT OF INDIA

Vikas Adhikari, Panchayat Samiti

Vs.

Hira Lal

(S. R. Babu and S. V. Patil JJ.)

20.07.2000

ORDER

1. Shri Aruneshwar Gupta, learned Counsel for the appellants attacked the order under appeal by raising the question whether the respondent is a workman working in an industry and whether he should approach the Industrial Tribunal or the Labour Court under the Industrial Disputes Act.
2. We do not think that such an issue should be examined. The learned Counsel relied upon the decision of this Court in R.N.A. Britto v. Chief Executive Officer and Ors. . The question whether a government servant should also be a workman will have to be examined on the facts of each case. As such a question has not been raised specifically before the High Court, we refuse to go into it. No other point is urged.
3. In the facts and circumstances of the case, we think it is appropriate to modify the award made by the Labour Court to the extent of reducing it to back wages awarded by 50% . It is submitted by Shri Aruneshwar Gupta, learned Counsel, that the post of Octroi Nakerdar has been abolished. If that is so, the respondent may be fitted in any other equivalent post. The appeal is disposed of accordingly.