

SUPREME COURT OF INDIA

A. Balaiah vs Depot Manager, A.P. Srct

(S.P. Bharucha, V.N. Khare and Y.K. Sabharwal JJ.)

04.09.2000

ORDER

1. Delay condoned.
2. Leave granted.
3. These are appeals by a workman of the respondent. Having been removed from service, he moved for reinstatement before the Labour Court and the Labour Court directed the respondent to reinstate him with continuity of service, 75% of back wages and other attendant benefits. The award was challenged by the respondent before the High Court of Andhra Pradesh. A Division Bench of the High Court affirmed the award but it said, "However, having regard to the facts and circumstances of the case, we think it just and proper to order reinstatement of the petitioner without continuity of service and without back wages." The workman impugns the order of the High Court insofar as it modifies the award to deny him back wages (the High Court having taken the view in review that continuity of service should be ordered).
4. We find that the High Court has given no reasons for denying the workman the back wages that the Labour Court had awarded him. What the facts and circumstances of the case were, which the High Court relied upon, is not explained. We think in the circumstances, that the order of the High Court should be set aside and the writ petition (Writ Petition No. 1521/93) should be restored to the High Court to be heard and decided afresh, expeditiously.
5. Order on the appeals accordingly.
6. No order as to costs.