

**SUPREME COURT OF INDIA**

M/s.Bharat Coking Coal Ltd. Thr. Management

Vs.

National Coal Workers Congress Thr.Vice President

C.A.No.4145 of 2009

(Tarun Chatterjee and H.L.Dattu JJ.)

07.07.2009

**JUDGMENT**

**Tarun Chatterjee, J.**

1. Leave granted.
2. At the time of admission of this special leave petition on 29 th of October, 2007, limited notice was issued relating to the question of back wages.
3. After notice, the matter came up for final disposal on the limited question as referred to herein above.
4. We have heard the learned counsel for the parties and examined the impugned order as well as the award passed by the Central Government Industrial Tribunal No.1 Dhanbad. It is true that the respondent-workman was found to have been entitled to back wages for the period for which he had not worked.
5. Having heard the learned counsel for the parties and after considering the materials on record and in the facts and circumstances of the case and in view of the fact that the employee did not work for a considerable period of time, we are of the view that instead of full back wages to be paid to the workman, the Management may be directed to pay 50% of the back wages instead of full back wages to him within four months form the date of supply of a copy of this order to it. Accordingly, the order of the High Court and the award are modified to the above extent. The respondent is now entitled to 50% of the back wages instead of full back wages as noted herein above.
6. With this modification of the award, the appeal is disposed of.

There will be no order as to costs.