

SUPREME COURT OF INDIA

State of Haryana Thr. Manager Haryana Roadways, Rohtak.

Vs.

Krishan Lal

C.A.No.5576 of 2009

(Tarun Chatterjee and R.M.Lodha JJ.)

18.08.2009

JUDGMENT

Tarun Chatterjee,J.

1. Delay condoned.

2. Leave granted.

3. This is an appeal filed at the instance of the State of Haryana through its Manager, Haryana Roadways against the judgment and order dated 31st of July, 2008 passed by the High Court of Punjab & Haryana at Chandigarh in C.W.P.No.1921 of 2008 by which the High Court had partly allowed the appeal and the award dated 4th of June, 2005 was modified to the extent that the workman-respondent shall be entitled to re-employment from the date another workman had been taken into employment at the earliest after June 30, 1996. The High Court also directed by the impugned order that the respondent shall be entitled to 50% back wages from the date of demand notice. It was also directed that the respondent-workman shall be entitled to full back wages from the date the first person was appointed on the job of a driver or the like, as the case may be, after the date of termination of the workman, i.e. 30th of June, 1996.

4. At the time of hearing of this appeal, the learned counsel for the parties had drawn our attention to an order passed by this Court on 6th of February, 2009 by which, this Court had similarly refused to interfere with the order passed by the High Court re-instating the workman but modified the award to the extent that the workman shall be entitled to 30% of back wages instead of 50% as directed by the High Court. Such being the stand taken by us in the similar matter, we also dispose of this appeal by directing that the appellants, i.e. General Manager, Haryana Roadways, Rohtak shall re- instate the respondent within a period of one month from this date without fail and the respondent shall be entitled to 30% of the back wages and be paid the said 30% of back wages within three months from this date. Accordingly, the impugned order of the High Court is modified to the extent indicated above.

5. Subject to the above modification, the appeal stands dismissed. There will be no order as to costs.