

**SUPREME COURT OF INDIA**

Prem Narain

Vs.

Swadeshi Cotton Mills, Juhi & Anr..

C.A.No.1403 of 2016

(Kurian Joseph and R.F.Nariman,JJ.)

15.02.2016

**JUDGMENT**

**Kurian Joseph,J.**

S.L.P.(C) No.5241 of 2013

1. Leave granted.
2. The appellant was terminated from the services of the first respondent on 31.10.1991. The Labour Court, Kanpur, set aside the termination of the appellant by its award published on 04.10.1997. In the meanwhile, the appellant had already attained the age of superannuation on 01.07.1997.
3. The award on reinstatement was not challenged by the respondent-Management. The only ground taken before the High Court was their liability to pay backwages.
4. The High Court, taking note of the fact that by the time, the award was published, the appellant- workman had already attained the age of superannuation, set aside the award and allowed the writ petition.
5. Feeling aggrieved by the order passed by the High Court, the appellant has filed the present petition by special leave before this Court.
6. We fail to understand the reasoning and approach made by the High Court. Once the Management does not have any grievance on the award on reinstatement and the grievance was limited only to backwages, the High Court should not have set aside the award as such. Appropriate orders on backwages alone were permissible at the hands of the High Court.
7. Be that as it may, taking note of the pleadings available on record, we direct that the appellant would be entitled to 50% backwages from the date of termination till the date of superannuation.

8. Needless also to say, he would be deemed to have continued in service and superannuated on 01.07.1997 for all other benefits. All eligible benefits due to the appellant in the light of this Judgment shall be computed and paid to the appellant within three months from today and any default in making the payment, as aforesaid, shall carry interest at the rate of 18% from the date of termination till the date of payment.

9. With the aforesaid observations and directions, this appeal is disposed of with no order as to costs.