

REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 1716 OF 2009
(Arising out of SLP (C) No.5387 of 2007)

Canara Bank by its M.D.Appellant

VERSUS

Damodhar Govind Idoorkar & Ors. ...Respondents

J U D G M E N T

TARUN CHATTERJEE, J.

1. Leave granted.
2. Respondent No.1 Damodhar Govind Idoorkar was an employee of the appellant – Canara Bank. The services of respondent No.1 was terminated on the ground that he had secured employment in reserved category by producing a false caste certificate. The order of termination was challenged by way of a writ petition filed by respondent No.1. A

learned Single Judge of the Karnataka High Court had allowed the said writ petition and quashed the termination order and directed the reinstatement of respondent No.1 without any consequential benefits such as payment of back wages. The learned Single Judge also directed the Tehsildar to conduct an enquiry to ascertain whether respondent No.1 belonged to scheduled caste category or not. By a subsequent order, it was clarified that the Bank was free to take whatever action on the basis of the enquiry to be conducted by the Tehsildar on the question of caste certificate of the respondent No.1. The respondent No.1 had challenged the aforesaid order by filing an appeal before the Division Bench of the High Court in so far as it denied him consequential relief of back wages. When the said appeal was pending before the Division Bench, the Tehsildar, in compliance with the order of the learned Single Judge, after hearing the respondent No.1, had passed the order holding that respondent

No.1 was not a scheduled caste, but it was held that respondent No.1 belonged to Baandhi community which was a backward class.

3. The order of the Tehsildar, after remand, was again challenged by respondent No.1 by filing a writ application. In this background, the Division Bench by the impugned order directed the Bank to pay full back wages to respondent No.1, which had accumulated during the pendency of his termination. It is this order, which is under challenge before us.
4. From the above, it is clear that the only question which needs to be decided in this appeal is whether the Division Bench of the High Court was justified in directing the full back wages to be paid to the appellant in the facts and circumstances of the present case.
5. We have heard the learned counsel for the parties and considered the entire materials on record and

after considering the submissions of the learned counsel for the parties and after giving serious consideration to the facts and circumstances of the case, we are of the view that the order of the Division Bench of the High Court, which is impugned before us, should be suitably modified by directing the appellant-Bank to pay 50% of the back wages to the respondent No.1 instead of full back wages within two months from the date of supply of a copy of this order to the Bank Authorities.

6. Accordingly this appeal is disposed of with the above modification. There will be no order as to costs.

.....J
[Tarun Chatterjee]

New Delhi;
.....J.
March 18, 2009.

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[H.L.Dattu]