

NON REPORTABLE

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO.3861 OF 2006

The Depot Manager, Andhra Pradesh
State Road Transport Corpn. & Anr. ...Appellants.

Versus

V.Surender ...
Respondent

ORDER

1. The respondent was appointed as Cleaner in the appellant-Corporation in the year 1979. In 1991, he was unauthorisedly absent and there was no information to the Corporation as to why he was not attending the duty. In this view of the matter, the Corporation was constrained to issue a charge sheet on 16th of May, 1991. In reply, the respondent submitted a sickness certificate on 21.6.1991 to cover up his absence. Since the Corporation was not satisfied with the explanation offered by the respondent, an enquiry officer was appointed to enquire the charges levelled against the

respondent and basing on report of the enquiry officer, finally the respondent was removed from service on 24th of April, 1991. An industrial dispute was thereafter raised by the respondent against the said order of removal and finally the Labour Court, Hyderabad by its Award dated 12th of March, 1997 held that the orders of removal for the misconduct was harsh and disproportionate and, therefore, could not be sustained. The Award of the Labour Court was challenged by the Corporation, which by the impugned order was affirmed. However, the High Court by the impugned order directed the Corporation not to pay 25% of the back wages. Feeling aggrieved by the concurrent orders of the Labour Court as well as the High Court, this SLP was filed which on grant of leave was heard in the presence of the learned counsel for the parties.

2. We have heard the learned counsel for the parties and after going through the impugned orders, we are of the view that the order of the High Court need not be interfered with excepting that the payment of any back wages in the facts and circumstances should not be directed to be paid to

the respondent. Accordingly, we dispose of this appeal by modifying the award of the Labour Court and by holding that the respondent is not entitled to any back wages from the Corporation. It is made clear that if the respondent has not yet been reinstated, he shall be reinstated within two months from the date of supply of a copy of this order. The appeal is thus disposed of with the aforesaid modification. There will be no order as to costs.

.....J.
 Chatterjee]

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[Tarun

New Delhi;
J.
 July 21, 2008.

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[Aftab Alam]

