

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No. 6923 OF 2008
[Arising out of SLP(C)No.15762 of 2007]

PUNJAB STATE ELECTRICITY BOARD ... **Appellant(s)**

Versus

PIARA SINGH ... **Respondent(s)**

ORDER

Leave granted.

This appeal is directed against the judgment and order dated 21st May, 2007, passed by the Punjab & Haryana High Court in C.W.P. No.7680 of 2007, whereby the High Court chose not to interfere with the order of the Labour Court, by which the respondent had been reinstated in service with continuity of service and payment of 50 per cent back-wages.

Learned counsel appearing for the appellant, Punjab State Electricity Board, submits that, although, initially the appellant's representation to the State Government for reference of his dispute to the Labour Court had been

rejected, it was 7 years thereafter, on a fresh representation, that the State Government reviewed its earlier order and referred the disputes to the Labour Court. According to learned counsel, since the claim was stale, the government could not have referred the matter at all to the Labour Court. On behalf of the respondent, however, it is submitted that in view of non-compliance of the provisions of Section 25 F of the Industrial Disputes Act, 1947, both the Labour Court as well as the High Court were fully justified in directing reinstatement with 50 per cent back-wages.

Having heard learned counsel for the respective parties, while we are not inclined to interfere with the order of reinstatement, since there was a violation of Section 25F of the aforesaid Act, since delay in the reference was on account of the lapse on the part of the respondent, we are not, however, inclined to allow the back-wages that have been granted by the Labour Court and upheld by the High Court.

Accordingly, we allow the appeal in part. While maintaining the order regarding reinstatement of the appellant in service, we set aside that part of the Award

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regarding the payment of the back-wages.

There will be no orders as to costs.

.....J.
(ALTAMAS KABIR)

.....J.
(MARKANDEY KATJU)

New Delhi,
December, 01, 2008.

