

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No(s). 10181 OF 2018
(Arising out of SLP(C)No.583 of 2017)

PSEB (NOW PUNJAB STATE POWER
SUPPLY CORPORATION LTD.) & ORS.

Appellant(s)

VERSUS

KULWANT SINGH

Respondent(s)

J U D G M E N T

BANUMATHI, J.:

(1) Leave granted.

(2) The respondent-Kulwant Singh was employed as a daily-wager helper from April 1997 to April 1998 in the construction work with the appellant-Punjab State Power Supply Corporation Limited. His services were terminated in the year 1998. In the industrial dispute raised by the respondent-workman, the Industrial Tribunal held that the provisions of Section 25-F of the Industrial Disputes Act has not been complied with and on that ground the order of termination was set aside by the Industrial Tribunal and the respondent was directed to be reinstated with continuity of service along with 40% back-wages.

(3) In the writ petition filed by the appellant-Corporation, the order of the Industrial Tribunal was affirmed by the Single

Judge including the back-wages of 40%. In further appeal, the Division Bench of the High Court also upheld the order of the Single Judge as well as the Industrial Tribunal holding that there was non-compliance of Section 25-F of the Industrial Disputes Act.

(4) When the matter came up for hearing before this Court on 2nd January, 2017, notice was issued limited to the question of payment of 40% back-wages. By the same order, this Court has directed that the respondent shall be reinstated forthwith and be paid all back-wages from 10th March, 2015.

(5) Mr. Satinder S. Gulati, learned counsel appearing for the appellant-Corporation, has submitted that in compliance of the said order, the respondent has been reinstated and paid back-wages on 10th March, 2015.

(6) Despite service of notice, the respondent has not chosen to enter appearance. Accordingly, Mr. K. Parameshwar, Advocate, has been appointed as amicus to assist the Court.

(7) We have heard Mr. Satinder S. Gulati, learned counsel appearing for the appellant-Corporation and Mr. K. Parameshwar, learned amicus, and also perused the impugned judgment and the evidence/materials on record.

(8) In the case in hand, of course all the three fora have

held that the respondent would be held entitled to 40% of the back-wages, it is well settled that whenever there was any violation of Section 25-F of the Industrial Disputes Act, payment of back-wages is not automatic (See: Rajasthan Lalit Kala Academy v. Radhey Shyam - (2008) 13 SCC 248). In this case, the respondent has been terminated way back in the year 1998. 40% back-wages from 2002 till 2015 for thirteen years would mean huge financial burden upon the appellant-Corporation. In the peculiar facts and circumstances of the case, in lieu of full quit of all claim towards 40% back-wages, the appellant-Corporation shall pay to the respondent a lump sum amount of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand) within eight weeks from today.

(9) Accordingly, the appeal is partly allowed.

(10) We place on record our appreciation for the valuable assistance rendered by Mr. K. Parameshwar, learned amicus.

(11) We make it clear that the above order is passed in the peculiar facts and circumstances of the present case and the same may not be treated as precedent.

.....J.
(R. BANUMATHI)

.....J.
(INDIRA BANERJEE)

NEW DELHI,
OCTOBER 3, 2018.