

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.6022 OF 2009

(Arising out of SLP© No. 19129 of 2008)

Union of India ...Appellant

VERSUS

Nasim Akhtar ...Respondent

ORDER

1. Leave granted.
2. In spite of service effected on the respondent, no one has entered appearance on his behalf at the time of hearing of this appeal.
3. On 28th of July, 2008, this Special Leave Petition, out of which the present appeal arises, was called up for hearing and the following order was passed :-

*“Delay condoned.
Issue notice limited to the extent of the back
wages.”*

3. After hearing the learned counsel for the appellant and after considering the impugned judgment of the High Court of Punjab and Haryana and also the limited notice issued in the present appeal, we are of the view that in the facts and

circumstances of the case, the High Court was not justified in granting 50 % of the back wages to the respondent in the absence of any clear finding to the effect that during the period when he was not employed with the appellant, the respondent was not gainfully employed elsewhere. However, without sending the case back to the High Court to consider this aspect of the matter and after considering the fact that inspite of due service, no one has entered appearance on behalf of the respondent, we are of the view that the respondent shall be paid back wages to the extent of 25% instead of 50%, as directed by the High Court.

Accordingly, we dispose of this appeal by modifying the impugned order of the High Court to the extent that the respondent shall be paid back wages to the extent of 25% only.

With this modification of the impugned order, this appeal stands disposed of.

.....J.
[Tarun Chatterjee]

New Delhi;
August 31, 2009.

.....J.
[R.M.Lodha]

SUPREME COURT OF INDIA



JUDGMENT