

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 94 OF 2017
[@ SPECIAL LEAVE PETITION (C) NO. 37030 OF 2013]

H.V.P.N LTD & ORS

Appellant(s)

VERSUS

BAL GOVIND

Respondent(s)

J U D G M E N T

KURIAN, J.

1. Leave granted.

2. The appellants have approached this Court aggrieved by the Award passed by the Labour Court and confirmed by the High Court, wherein the workman was directed to be reinstated with 50% backwages.

3. The respondent happened to be terminated from service on account of his involvement in a criminal case. It is seen that conferring benefit of doubt, he has been acquitted in the case and, thereafter, he has been reinstated. The appellants, therefore, contend that the respondent was kept out of service only on account of his involvement in the criminal case, as warranted by the Service Regulations concerned and hence, there is no justification in granting him backwages.

4. Be that as it may, it is seen that even the request in the notice sent by the respondent was only

for the salary for the month of August, 1992. Even otherwise, in the background of the case we have referred to above, we find no justification in the respondent's getting backwages. The workman happened to be out of service only on account of his involvement in a criminal case, as warranted by the Service Rules.

5. While issuing notice on 17.12.2013, we had made it clear that the scope is limited only to the question of backwages.

6. In the above circumstances, the appeal is allowed to the extent that the respondent will be entitled to all service benefits including continuity of service, except any backwages.

7. The learned counsel for the respondent submits that there is a proposal for regularisation. It is for the respondent to approach the appellants and we express no opinion on that aspect.

No costs.

.....J.
[KURIAN JOSEPH]

.....J.
[A. M. KHANWILKAR]

New Delhi;
January 04, 2017.