

C.S. JOSHI
v.
INDIAN INSTITUTE OF TECHNOLOGY, KANPUR
AND ANR.

A

MARCH 21, 1997

B

[K. RAMASWAMY AND K.T. THOMAS, JJ.]

Labour Law :

U.P. Industrial Disputes Act, 1947 :

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S. 4-K—Removal from service—Reference to Labour Court—Labour Court making the award reinstating the workman with 50% of back wages—High Court passing a discretionary order that 25% of back wages would meet the ends of justice—Held, order of High Court being a discretionary one, no useful purpose would be served by further remittance—Appeal dismissed.

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CIVIL APPELLATE JURISDICTION : Civil Appeal No. 2553 of 1997.

From the Judgment and Order dated 29.3.96 of the Allahabad High Court in C.M.W.P. No. 8196 of 1986.

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Mrs. S. Janani for the Appellant.

Nikhil Nayyar for T.V.S.N. Chari for the Respondents.

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The following Order of the Court was delivered :

Leave granted.

This appeal by special leave arises from the judgment of the learned single Judge of the Allahabad High Court, made on March 29, 1996 in Civil Misc. Writ Petition No. 8106/86.

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The appellant, while working as Lower Division Clerk, is said to have fabricated the record and misappropriated the funds of the respondent Institution. As a result show cause notice was issued and he was removed from service. Subsequently, on a reference under Section 4-K of the U.P.

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- A Industrial Disputes Act, the Labour Court had in the award directed reinstatement of the appellant with 50% of the back-wages. Thereon, the respondent filed the writ petition. Similarly, the appellant also filed the writ petition. Both the writ petitions came to have been decided on different dates. The writ petition filed by the respondent-institution had come up in the first instance where the learned single judge, while maintaining the order of reinstatement, ordered reducing the back-wages to 25%. When the writ petition of the appellant had come up, the learned Judge directed payment of 100% back-wages. The matter was carried in appeal to his Court. This Court set aside both the orders and remitted the matter for reconsideration. After remand, the learned single judge considered the matter and restored the order passed by him on the writ petition filed by the respondent-Management and dismissed the writ petition of the appellant. Thus, this appeal by special leave.
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- D The learned Judge felt it, in his discretion, to be expedient that 25% of the back-wages would meet the ends of justice. It being a discretionary order, we think that no useful purpose would be served for further remittance.

The appeal is accordingly dismissed. No costs.

- E R.P.

Appeal dismissed.