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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 30th Day of June 1998

BEFORE

THE HON'BLE MR. JUSTICE V.P. MOHAN KUMAR

WRIT PETITION NO.19297/1998

BETWEEN:

Sri Sahadevappa,
s/o Mallappa Mayur,
aged 51 years,
r/a. Mahoor,
Challal Post,
Savanur Tq.,
Haveri Dist.

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...PETITIONER

(By Sri. B. Jayashankar for
Sri. V. Lakshminarayana, Adv.)

AND:

1. Karnataka State Road,
Transport Corporation,
Central Offices,
K.H. Road, Shantinagar,
Bangalore-27,
rep. by its
Managing Director.
2. The Divisional Controller,
Karnataka State Road
Transport Corporation,
Hubli Division,
Hubli.
3. The Presiding officer,
Labour Court,
Hubli.

...RESPONDENTS

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, with a prayer to quash vide Anx-A dt. 15.12.97 so far as it denies the backwages and continuity of service to the petitioner, and etc.

This Writ Petition coming on for preliminary hearing this day, the Court made the following:-

O R D E R

The worker challenges the award passed by the Labour Court. It is alleged that the worker absented to duty from 17-2-1982 to 20-2-1982. Treating this to be unauthorised absence, proceedings were initiated and he was dismissed from service. The worker raised a dispute before the Labour Court in the year 1986. The matter was pending since then. Pending dispute, the worker was reinstated under Section 10(B) of the Industrial Disputes Act. Now a final order has been passed by the Labour Court setting aside the dismissal and awarding reinstatement. Denial of backwages

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has provoked the petitioner in moving this Court.

2. The contention of the petitioner that he should be awarded backwages cannot be accepted. The worker has been working by virtue of order passed under Section 10(B) of the Act and he has been receiving the wages for the said period as well. In such circumstances, there is no justification in awarding backwages. The Labour Court is justified in denying the backwages.

3. The other grievance of the petitioner is that continuous service has not been awarded. I do not think this grivance is correct. The award reads thus:-

"The Respondent is directed to reinstate the claimant in the service but the claimant is not entitled for any backwages."

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It is clear from the award that only backwages is denied and the worker will be entitled for all other benefits, due on setting aside the termination. The worker need not have any apprehension in this behalf. There is no denial of continuous service. Petitioner will be entitled for current wages.

Writ Petition disposed of.



Sd/-
JUDGE

ksp/-

bnv/-