

**IN THE HIGH COURT OF KARNATAKA  
DHARWAD BENCH**

DATED THIS THE 31<sup>ST</sup> DAY OF JULY 2017

PRESENT

**THE HON'BLE Mr. JUSTICE K.N. PHANEENDRA**

AND

**THE HON'BLE Dr. JUSTICE H. B. PRABHAKARA SASTRY**

W.A. NO. 100554/2015 (L-KSRTC)

**BETWEEN:**

S.P. ANGADI S/O PARAPPA ANGADI,  
AGED ABOUT 50 YEARS, PRESENTLY  
WORKING AS CONDUCTOR, SINDNOOR  
DEPOT. N.E.K.R.T.C, RAICHUR DIVISION,  
RAICHUR.

- APPELLANT

(BY SRI. RAVI HEGDE, ADVOCATE)

**AND:**

THE NORTH EAST KARNATAKA ROAD  
TRANSPORT CORPORATION, BALLARI  
DIVISION, BALLARI BY ITS DIVISIONAL  
CONTROLLER, REPTD. BY  
CHIEF LAW OFFICER.

- RESPONDENT

(BY SRI. SHIVAKUMAR S. BADAWADAGI, ADVOCATE)

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA  
HIGH COURT ACT, 1961, PRAYING TO SET ASIDE THE ORDER OF  
THE LEARNED SINGLE JUDGE IN W.P. NO. 6381/2008 DATED  
03.07.2015 & ETC.

THIS WRIT APPEAL COMING ON FOR ORDERS THIS DAY,  
**K.N. PHANEENDRA J.**, DELIVERED THE FOLLOWING:

**JUDGMENT**

The petitioner / appellant has called in question the order passed by the learned Single Judge in W.P. No. 6381/2008. It is worth to note here that, the dispute before the Principal Labour Court, Hubballi, in KID No. 9/1994, after due contest came to be allowed with costs of Rs.2,000/- and the dismissal order passed by the Management against the appellant herein dated 04.01.1994 was set aside and he was also awarded with full back wages with continuity of service and all other consequential benefits. The respondent-Management was also directed to pay the remaining 50% of the back wages and consequential benefits to the appellant from the date of dismissal, within two months from the date of publication of the award by the Labour Court, failing

which, the appellant was also awarded with 9% interest from the date of default till the date of payment.

2. There is no dispute with regard to the dismissal of the appellant from service by the respondent-Management and later on award being passed in KID No. 9/1994. The said award passed by the Labour Court, Hubballi, in KID No. 9/1994 was called in question before this Court in W.P. No. 6381/2008. This Court after due consideration has passed an order setting aside the order passed by the Labour Court in KID No. 9/1994 in directing the petitioner to pay 50% back wages and other consequential benefits on the ground that, the workman has already been reinstated. Therefore, Writ this Court was of the opinion that the petitioner is not entitled for any back wages.

3. In view of the above said facts and circumstances, at the time of hearing the appeal, it appears, the

petitioner has filed an affidavit before this Court giving up his back wages and claimed that he is entitled for all the consequential benefits in view of the reinstatement from the date of his reinstatement. The affidavit filed by the appellant herein clearly discloses that at the time of hearing, this Court after hearing the appeal particularly on hearing the submissions made by the counsel that, the appellant is ready to forego the back wages awarded, provided the other benefits granted by the Labour Court in the award passed in KID No. 9/1994 are granted. Therefore, in support of the said submission made by the learned counsel, the appellant has filed in clear terms the affidavit stating that he is giving up the back wages. However, he prays for fixation of the wages and payment of the difference of wages after fixing the salary, within a time bound period.

4. There is no unreasonable prayer sought for in the affidavit in this regard. Under the above said facts and circumstances, when the petitioner/ appellant himself gives up his back wages and claims alternatively that he is entitled for all the consequential benefits from the date of reinstatement. It goes without saying that whenever an workman is reinstated he is entitled for all consequential benefits including pay and all the increments, promotional opportunities, etc.

5. Under the above said facts and circumstances, we do not find any strong reasons to altogether reject the prayer of the petitioner. Hence, in terms of the affidavit the order of the learned Single Judge requires to be modified. Hence, we proceed to pass the following order.

ORDER

Writ Appeal is partly allowed confirming the order of the learned Single Judge to the effect that, the petitioner/appellant is not entitled for any back wages. However, the said order is modified to the effect that appellant is entitled for all the consequential benefits from the date of his reinstatement if not the salary has already been fixed after the reinstatement. The respondent is hereby directed to refix the salary with all the consequential benefits arising out of the reinstatement, within two months from the date of receipt of a copy of this order.

Writ appeal is accordingly disposed of.

**Sd/-  
JUDGE**

**Sd/-  
JUDGE**