

The Executive Engineer. Vs. Deepak Kumar.

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Court : Himachal Pradesh

Decided On : Mar-03-2011

Judge : Kurian Joseph; V.K. Ahuja, JJ.

Acts : [Constitution of India](#) - Article 226; Industrial Disputes Act - Section 10(1)

Appeal No. : CWP No.8101 of 2010.

Appellant : The Executive Engineer.

Respondent : Deepak Kumar.

Advocate for Def. : Mr. Naresh Kaul, Adv.

Advocate for Pet/Ap. : Mr. J.K. Verma, Adv.

Judgement :

1. This Civil Writ Petition under Article 226 has been filed for quashing the award dated 22.02.2010 passed by the learned Labour Court-cum-Industrial Tribunal, Dharamshala in reference petition No. 93/2006.
2. Heard the learned counsel for the parties.
3. The reference under Section 10(1) of the Industrial Disputes Act, 1947 was answered by the Labour Court in favour of the respondent.
4. In so far as the orders passed re-instating the petitioner are concerned, it calls for no interference by this court after considering the impugned award. However,

in so far as the order directing payment of back-wages is concerned to the extent of 25 per cent with effect from 1st September, 2002, We are of the view that since the petitioner has not adduced any reliable evidence on entitlement for backwages, he shall not be entitled to 25 per cent back-wages and the order is modified accordingly to that extent. However, the respondent shall stand reinstated forthwith accordingly.

5. With these observations, the writ petition stands disposed of. Pending applications, if any, shall also stand disposed of.

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