

## **Awadhesh Kumar Sharma vs U.P.S.R.T.C. & Ors on 22 April, 2013**

**Equivalent citations: AIR ONLINE 2013 SC 350, (2013) 5 ALLMR 884 (2007) 12 SCALE 341, (2007) 12 SCALE 341**

**Bench: Ranjan Gogoi, H.L. Gokhale**

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4103 OF 2013  
(Arising out of SLP(C) No.10281/2010)

AWADHESH KUMAR SHARMA

Appellant(s)

:VERSUS:

U.P.S.R.T.C. & ORS.

Respondent(s)

### **O R D E R**

Leave granted.

Learned counsel appearing for the appellant submits that in the area in which the appellant was working as a Conductor, the passengers were habituated not to pay for the bus tickets and many of them were criminals. Under these circumstances, the incident of carrying 25 passengers without ticket was reported against the appellant. The Labour Court, therefore, had interfered with the order of termination and granted reinstatement in service with 50% back- wages. That order of the Labour Court has been set aside by the High Court.

We have heard the learned counsel for the parties. Learned counsel for the appellant submits that the appellant is keen that he should be reinstated and he is ready to forgo the back-wages. Mr. Misra, counsel for the respondents leaves it to the Court to pass appropriate order. Accordingly, we allow this appeal to this limited extent, set aside the order passed by the High Court and restore the order passed by the Labour Court to the extent that the appellant will be reinstated with continuity of service, though without back-wages. He will, however, be entitled to wages as and when he joins

duty. The respondents will allow the appellant to join duty within four weeks from today.

The appeal is disposed of accordingly.

.....J (H.L. GOKHALE) .....J (RANJAN GOGOI) New Delhi;

April 22, 2013.