

Delhi Cloth & General Mills Co. Ltd. vs Prem Chand Gupta And Anr. on 13 January, 1978

Equivalent citations: [1978(36)FLR216], (1978)1SCC404, 1978(10)UJ67(SC)

Bench: Jaswant Singh, V.R. Krishna Iyer

JUDGMENT

Krishna Iyer, J.

1. This appeal is really a non-appeal but that is how the work of this Court gets cluttered up with non-issues.

2. Right at the beginning Shri Hardyal Hardy appearing for the appellant company stated that the worker 1st respondent who was allegedly absent for more than eight days was therefore told off and his services terminated relying on the Standing Orders. The worker went to the labour court and successfully contested the validity of the termination of his services. The award passed consequently was reinstatement into service and payment of a sum of Rs. 500/- in lieu of back wages. The Management (appellant) through its counsel Shri Herdy represents that the sum of Rs. 500/- had been paid, that the worker had been reinstate and that continuity of service and credit for back wages have been accorded. Nothing therefore remains as a matter of substance. Nevertheless, some shadow boxing may still survive as to whether it is paragraph 17 or paragraph 30 of the Standing Orders which is attracted. Shri Hardy says that having regard to the sequel and the satisfaction of the Management with the worker's service, there is no need to go into this controversy and adjudicate upon it in this Court. He further submits that the application of the appropriate paragraph may be left to be decided in a more appropriate case and that to that extent the finding of the labour court should not be allowed to stand in his way on a future occasion. We think this submission is fair and while dismissing the appeal we direct that the award shall not be relied upon as material for pressing home one or other of the paragraphs of the Standing Orders for termination of service on the strength of absence without leave. However, we direct the Management appellant to pay the costs of the 1st respondent worker and fix it at a sum of Rs. 1500/-. This amount will be permitted to be withdrawn by the 1st respondents's advocate from out of the security deposit furnished and the balance will be returned to the appellant.