

Supreme Court of India

Shri Ishwarbhai B. Vhandra vs Union Of India (Uoi) And Ors. on 30 November, 1993

Equivalent citations: (1994) IILLJ 878 SC

Bench: P Sawant, D . Yogeshwar

JUDGMENT

1. Leave granted.

2. Heard the learned Counsel for the parties.

3. The Tribunal came to the right conclusion that the termination of the petitioner/employee was by way of punishment and yet the provisions of Article 311 were not complied with inasmuch as no enquiry was held and the petitioner's services were terminated by giving him only one month's notice. While, however, reinstating the employee in the service, the Tribunal denied him the back wages. No reasons what-so-ever have been given for denial of the back wages. On the facts and circumstances of the case, we are of the view that this was a fit case where full back wages should have been given to the employee. The learned Counsel appearing for the respondent, UOI, was unable to adduce any reason for the denial of the back wages. We, therefore, allow the appeal and modify the impugned order of the Tribunal and direct that the employee shall stand reinstated in service with all the consequential benefits including back wages for the entire period that he was out of service. In the circumstances of the case, there will be no order as to costs.