

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 10149 OF 2010

M/S HARYANA SURAJ MALTINGS LTD. Appellant(s)

VERSUS

NARENDER KUMAR Respondent(s)

J U D G M E N T

KURIAN, J.

1. Heard the learned counsel appearing for the parties at some length.

2. The main contention is that the High Court should have remanded the matter to the Labour Court for consideration afresh having rendered a finding that the materials showed that the respondent had worked for 240 days in a year.

3. Though the above submission is ex-facie attractive, we do not think that in the facts of the present case, the matter should be remanded to the Labour Court. What has been ordered by the High Court is only reinstatement with 50% back wages, having found that the termination of the respondent-workman was illegal. We find no illegality in the approach made by the High Court in the facts and circumstances of the present case.

4. The civil appeal is, accordingly dismissed with no order as to costs.

.....J.
[KURIAN JOSEPH]

.....J.
[ROHINTON FALI NARIMAN]

New Delhi;
February 24, 2016.



JUDGMENT