

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.5965-5966 OF 2016
(Arising out of SLP (C) Nos. 28170-28171 of 2015)

KRUSHNA NARAYAN WANJARI

PETITIONER

VERSUS

THE JAI BHARTI SHIKSHAN SANSTHA,
HINGANGHAT THROUGH ITS SECRETARY AND ANR.

RESPONDENTS

J U D G M E N T

KURIAN, J.

1. Leave granted.

2. The limited question that arises in these cases is with regard to the back wages payable to the appellant. The Industrial Tribunal, Maharashtra allowed the complaint and directed the respondent to pay salary to the appellant for the period from March, 1996 to September, 1997 and December, 2001 to October, 2002.

3. The High Court took the view that the Muster Rolls do not indicate that the complainant was present for performing the duties. Though, the appellant attempted a review by producing numerous documents, the High Court refused to entertain the same.

4. Having regard to the fact that the documents were produced before the High Court, we are of the view that the High Court was not justified in refusing to look into the same. After all, the Industrial Court had looked into the entire materials and had awarded the salary for the disputed period. Unless the approach is wholly perverse in the sense that the Tribunal acted on no evidence, the High Court under Article 226/227 is not justified in interfering with the award. It is not a court of first appeal to reappreciate the evidence. Therefore, the appeal is allowed and the impugned orders are set aside and the order dated 14.03.2012 passed by the Industrial Court, Nagpur Bench, Maharashtra is restored.

5. Learned counsel for the Management submits that being a hundred per cent grant-in-aid institution, the liability is on the State. There cannot be any quarrel with the above submission. The amounts that have to be paid as per the order of the Industrial Court, Maharashtra being the salary, are to be paid by the State. The amounts due as per the Industrial Court's award, shall be paid within a period of three months from the date of production of a copy of this judgment before the Education Officer, failing which, the same would carry 12% interest from the date of order of the Industrial Court and the officers concerned would personally be liable for the same.

6. The appeals are disposed of with no order as to costs.

.....J.
[KURIAN JOSEPH]

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

NEW DELHI;
JULY 08, 2016



JUDGMENT