

**IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NO.601 OF 2017**

**KERALA STATE ROAD TRANSPORT CORPORATION** ...Appellant(s)

**Vs.**

**N.K. BYJUMON** ...Respondent(s)

**O R D E R**

Heard the learned counsel appearing for the appellant. None appeared for the respondent though served.

2. The Labour Court passed an order of re-instatement of the respondent with 50% back wages. The Award of the Labour Court has been confirmed by the learned Single Judge of the High Court as well as by a Division Bench of the High Court in Writ Appeal.

3. This Court while granting leave by order dated 13<sup>th</sup> January, 2017, clarified that it was granted only limited to payment of back wages.

4. After having heard the learned counsel appearing for the appellant and after perusing the impugned judgments, we find no error when the respondent was granted relief of 50% back wages. In paragraph 11 of the statement of claim filed

by the respondent-workman before the Labour Court, there was a specific assertion that from the date of removal from service, he was without any employment and income. There is nothing placed on record to show that before the Labour Court, there was any cross-examination made of the respondent on the assertions made by him in paragraph 11.

5. If that be so, we cannot find fault with the Labour Court as well as with the High Court when a direction to pay 50% back wages was issued.

6. We may note here that the learned counsel appearing for the appellant stated that the respondent has been reinstated on 27<sup>th</sup> February, 2017.

7. Accordingly, the appeal is dismissed.

8. We grant time of three months to the appellant to comply with the impugned decisions.

9. No order as to costs.

.....J.  
(ABHAY S.OKA)

.....J.  
(SANJAY KAROL)

NEW DELHI;  
August 09, 2023.

ITEM NO.114

COURT NO.7

SECTION XI-A

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 601/2017

KERALA STATE ROAD TRANSPORT CORPORATION

Appellant(s)

VERSUS

N.K. BYJUMON

Respondent(s)

Date : 09-08-2023 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA

HON'BLE MR. JUSTICE SANJAY KAROL

For Appellant(s) Mr. K.Parmeshwaran, Adv.  
Mr. Deepak Prakash, AOR  
Mr. Pawan Kr. Dabas, Adv.  
Mr. Raneev Dahiya, Adv.  
Mr. Rahul Lakhera, Adv.  
Mr. Nachiketa Vajpayee, Adv.  
Ms. Divyangna Malik, Adv.  
Ms. Vishnu Priya, Adv.  
Mr. Shyam Nair, Adv.  
Mr. Vardaan Kapoor, Adv.  
Ms. Priya Sirohi, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following  
O R D E R

The appeal is dismissed in terms of the signed  
order.

Pending application, if any, also stands disposed  
of.

(ANITA MALHOTRA)  
AR-CUM-PS

(AVGV RAMU)  
COURT MASTER

(Signed order is placed on the file.)