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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 3RD DAY OF FEBRUARY 1998

Before :

THE HON'BLE MR.JUSTICE G. PATRI BASAVANA GOUD

WRIT PETITION No. 1784/1998

Between :

Sri.S.N.Deshpande,
major, Occ: Literate
Assistant, office of the
Executive Engineer,
Ghataprabha Right Bank
Canal Construction
Division No.2, Hidkal,
Dam, Dist: Belgaum. .. Feticioner

(By Sri.Vigneshwar S. Shastry, Advocate)

And :

The Executive Engineer,
Ghataprabha Right Bank
Canal Construction
Division No.2, Hidkal
Dam, Dist: Belgaum. .. Respondent

(By Sri.K.H.Jagadish, HCGA)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India praying to direct the respondent to implement the award dt. 23.11.1995 vide Annex.A by the Labour Court.

This writ petition is coming on for preliminary hearing in 'B' group this day, the Court made the following :

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ORDER

By consent of both sides, the matter is heard and is being disposed of finally at this stage.

2. By the award dated 23.11.1995 at Annexure-'A', the Addl.Labour Court, Hubli, has set aside the order of termination of services of the Petitioner-workman and has directed reinstatement with full back wages, continuity of service and other consequential benefits. The said award has become final and has also become enforceable. Even then, it has not been implemented. In this writ Petition under Article 226 of the Constitution, the petitioner-workman seeks a writ of mandamus directing the respondent-employer to implement the award.

3. The award having become final and having become enforceable, it needs to be implemented. The learned counsel for the petitioner Sri. Vigneshwar Shastri concedes that, instead of full back wages as ordered by the Labour Court, the petitioner-workman would settle for 50% of back wages in order to put

an end to the entire litigation.

4. Writ petition is allowed. Impugned award is modified only with regard to back wages viz., that instead of full back wages, 50% of back wages shall be paid to the petitioner-workman. This modified award be implemented within six weeks so far as reinstatement is concerned, and within four months so far as payment of back wages is concerned, from the date a certified copy of this order is made available to the respondent, either by its counsel or by the petitioner or his counsel.

sd/-
Judge



Bk/