

***IN THE HIGH COURT OF DELHI AT NEW DELHI**

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W.P.(C) 3482/2003

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Date of decision: 3rd June, 2010

THE HINDUSTAN TIMES LIMITED

..... Petitioner

Through: Mr. Sandeep Prabhakar, Advocate
with Mr. R.N. Karanjawala, Ms.
Seema Sundd, Mr. Amit Kumar &
Mr. Akhil Sachar, Advocates

Versus

SH. ARUN KUMAR & ORS.

..... Respondents

Through: Mr. Prem Kumar, Advocate with
Mr. Sharad Chand Jha, Mr. Nilesh
Sawhney, Mr. Priya Mahajan &
Mr. Surjeet Singh, Advocates

CORAM :-

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

1. Whether reporters of Local papers may
be allowed to see the judgment? No
2. To be referred to the reporter or not? No
3. Whether the judgment should be reported
in the Digest? No

RAJIV SAHAI ENDLAW, J.

1. The petitioner employer by this writ petition impugns the award dated 4th January, 2002 of the Labour court on reference dated 11th March, 1992 as follows:-

“Whether Sh. Arun Kumar abandoned his services or his services were terminated illegally and / or unjustifiably by the management and if so, to what relief is he entitled and what directions are necessary in this respect?”

The Labour Court held that the respondent no.1 Arun Kumar had not abandoned his services; that his services were terminated illegally and / or unjustifiably by the petitioner. The Labour Court granted the relief of reinstatement with back wages, consequential benefits and the other benefits which the respondent no.1 had been deprived of since his illegal termination.

2. At the outset, it may be clarified that the respondent no.1 is not a workman as ordinarily understood in Industrial Law. The respondent no.1, immediately prior to the termination of his employment, was working as Special Correspondent for North-East India Region at Shillong in Meghalaya of the Hindustan Times newspaper published by the petitioner. There is no controversy qua the fact that the respondent no.1 was a working journalist and / or a newspaper employee within the meaning of The Working Journalists & Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955. There is also no controversy that as per Section 3 of the Working Journalists Act, the provisions of the Industrial Disputes Act, 1947 apply to, or in relation to, working journalists as they apply to, or in relation to, workman within the meaning of the ID Act. It was in these circumstances that the dispute aforesaid between the petitioner and the respondent no.1 was referred to the Labour Court.

3. The factual matrix is as under:-

- (i) The respondent no.1, on completion of one year training on 30th November, 1973, was vide letter dated 6th December, 1973 of the petitioner appointed in the Hindustan Times Group with effect from 1st December, 1973 on the terms and conditions contained therein.
- (ii) The respondent no.1 was on 10th August, 1988 posted as a Special Correspondent to the North-East Region at Shillong in the State of Meghalaya of the newspaper of the petitioner.
- (iii) It was the case of the respondent no.1 that since his wife was employed as a Doctor in the MCD, it was not possible for his wife and two small sons to shift along with him to Shillong. It was further the case of the respondent no.1 that during his tenure at Shillong, he did not avail leave even for a single day; that he had to appear in St. Columba's School, New Delhi in connection with the admission of his sons; that he was even otherwise anxious to meet his family and as such on 15th December, 1990 sent a telegram from the Central Telegraph Office, Shillong to the head office at New Delhi of the petitioner seeking privilege leave with effect from 26th December, 1990 to 19th January, 1991. It was further the case

of the respondent no.1 that he did not receive any reply to his telegram till 25th December, 1990; that since he had urgent work at Delhi, he left Shillong and proceeded on leave with effect from 26th December, 1990. It was further the case of the respondent no.1 that he had made railway booking for his return from Delhi to Shillong for 17th January, 1991; that he went to the railway station to board the Guwahati bound train but fell unwell and as such returned home; that he was diagnosed as suffering from acute diabetes and abscess of the liver and was advised rest on medical grounds; that he, through his colleague Mr. Chand Joshi informed the head office of the petitioner at New Delhi of his sickness and applied for medical leave with effect from 20th January, 1991; he also claims to have submitted an application for extension of leave on medical ground along with medical certificate.

- (iv) The respondent no.1 on 23rd March, 1991 while still at Delhi was served a letter dated 20th March, 1991 by the petitioner, informing him of the termination of his services on the ground of desertion.
- (v) The respondent no.1 sent a letter dated 25th March, 1991 to the petitioner protesting the termination of his services and calling

upon the petitioner to withdraw the letter dated 20th March, 1991.

(vi) The petitioner instead, on 29th March, 1991 published a public notice in bold in Hindustan Times newspaper informing public at large “that the respondent no.1 was no longer in the employment of the petitioner and anyone dealing with him will be doing so on his own risk”.

(vii) Dispute having thus arisen was referred as aforesaid to the Labour court.

4. The petitioner before the Labour Court pleaded that the service conditions of the respondent no.1 were governed by Model Standing Orders framed under the Industrial Employment (Standing Orders) Act, 1946; thereunder, if any employee overstays his sanctioned leave for more than eight days, he loses his lien. It was further pleaded that even if the respondent no.1 was not held to have deserted his employment, still his absence for more than ten days without leave amounted to misconduct and was serious considering the importance of the responsible post of trust and confidence which he was holding.

5. The petitioner, before the Labour Court also denied having received any application for leave from the respondent no.1; the receipt of the telegram aforesaid seeking leave was denied; it was also denied that the

respondent no.1 had given any intimation of his sickness. The petitioner however admitted receipt on 7th March, 1991 from the respondent no.1, an undated application which did not even indicate the place from where it was sent and the medical certificate attached thereto was also not found to be genuine.

6. It was the case of the respondent no.1 before the Labour Court that there could be no question of his having deserted his employment since the premises taken on tenancy by him at Shillong exists and he had paid advance rent thereof; that his goods were still lying in the said premises. The petitioner contended that the same was not indicative of the respondent no.1 having no intention to desert his job at Shillong.

7. The Labour Court found:

- (i) That no enquiry had been conducted by the petitioner before terminating the services of the respondent no.1.
- (ii) That the dispatch of telegram dated 15th December, 1990 by the respondent no.1 seeking leave was found to have been proved.
- (iii) That the petitioner's witness in cross examination had admitted that the petitioner was required to ask the respondent no.1 to join duty before treating his absence as abandonment

and which had not been done. The petitioner had as such not made any attempt to ask the respondent no.1 to resume duty. The petitioner without the same could not have treated the absence as abandonment and as misconduct.

- (iv) That the petitioner's witness had in cross examination also admitted receipt of representation from the respondent no.1 to resume duty and which was not allowed; the witness also admitted receipt of the medical certificate on 7th March, 1991; all this leads to an inference that the petitioner admitted that the respondent no.1 was sick; if it was so, then absence on account of sickness could not be treated as abandonment.
- (v) The petitioner in the list of dates filed in the writ petition pending the reference before the Labour Court had mentioned that "no application for extension of leave accompanied by a proper medical certificate for the period beyond 19th January, 1991 was submitted by the respondent no.1 to the petitioner before the expiry of the leave originally granted to him and he thus having remained absent beyond the period of leave originally granted was deemed under Clause 9 of the Model Standing Orders applicable to the working journalists of the newspaper establishment of the petitioner, to have lost, his lien on his appointment as he did not return within eight days of

the expiry of the leave and did not explain any reason for his inability to return before the expiry of his leave”. From the said averment in the list of dates, the petitioner was deemed to have admitted the receipt of application for leave till 19th January, 1991 and grant of leave till then.

- (vi) That the petitioner had not sought opportunity to prove misconduct on the ground whereof the services of the respondent no.1 were sought to be terminated before the Labour Court. Such permission has to be sought at the earliest possible stage i.e. in the written statement and which had not been done. Thus the petitioner was not entitled to prove misconduct, if any, before the Labour Court for the first time.
- (vii) That the respondent no.1 had made efforts for alternative employment; may be the public notice issued by the petitioner led to his failure in getting a suitable job; thus he is entitled to full back wages.

8. Aggrieved from the award aforesaid, the present writ petition was filed. Vide *ex parte* order dated 21st May, 2003 while issuing notice of the petition, operation of the award and the recovery notice was stayed. On 5th September, 2003 Rule was issued in the petition and the interim order made absolute. The respondent no.1 applied under Section 17B of the I.D.

Act claiming his last drawn wages to be Rs.9,157/- per month. It was the case of the respondent no.1 on 17th May, 2004 that as on that date a sum of approximately Rs.33,00,000/- was due to him under the award. This Court vide order of that date directed the petitioner to deposit a sum of Rs.15,00,000/- in this Court. On the next date i.e. 19th July, 2004, the said amount was directed to be kept in a fixed deposit. On 25th August, 2004, the petitioner was directed to pay arrears of 17B wages from the date of the award until 31st August, 2004 of roughly Rs.3,00,000/- and with effect from 1st September, 2004, a sum of Rs.9157.96p per month. The respondent no.1 preferred an SLP to the Supreme Court. The Supreme Court, vide order dated 15th March, 2010 though dismissed the SLP, directed the proceedings before this Court to be expedited.

9. The counsels for the parties have been heard. In the present case, the termination by the petitioner of the services of the respondent no.1 is on the ground of abandonment of service. It is also the admitted position that the petitioner did not conduct any domestic inquiry into the alleged abandonment.

10. I find the Division Bench of this Court in ***Shakuntala's Export House (P) Ltd Vs. Secretary (Labour)*** MANU/DE/0541/2005 to have held that abandonment amounts to misconduct which requires proper inquiry. The judgment of the Single Judge of this Court upheld by the Division Bench is reported as 117 (2005) DLT 479. To the same effect is another

judgment of this Court in *MCD Vs. Begh Raj* 117(2005) DLT 438 laying down that if the workman had abandoned employment, that would be a ground for holding an enquiry and passing an appropriate order and that having not been done, the action of MCD could not have been sustained. The Supreme Court also in *D.K. Yadav Vs J.M.A. Industries Ltd* (1993) 3 SCC 259 has held that even where the standing orders of the employer provide for dismissing the workman from service for unexplained absence, the same has to be read with the principles of natural justice and without conducting domestic inquiry and without giving an opportunity of being heard, termination of service on the said ground cannot be effected. The same view was reiterated in *Lakshmi Precision Screws Ltd. Vs. Ram Bahagat* AIR 2002 SC 2914 (in this judgment *Sakattar Singh* mentioned below was distinguished). Recently, in *V.C. Banaras Hindu University Vs. Shrikant* AIR 2006 SC 2304 it was held that although laying down a provision providing for deemed abandonment from service may be permissible in law, it is not disputed that that an action taken thereunder must be fair and reasonable so as to satisfy the requirements of Article 14 of Constitution of India; if the action is found to be illogical in nature, the same cannot be sustained. I may however notice that in *Punjab & Sind Bank Vs. Sakattar Singh* MANU/SC/0733/2000 it was held that no inquiry may be conducted where the standing orders of the Bank provided a procedure for treating such absentee employee to have deemed to have voluntarily retired after a particular period of unauthorized absence. To the

same effect is the recent dicta in *The Regional Manager, Central Bank of India Vs. Vijay Krishna Neema* AIR 2009 SC 2200. However, the Standing Orders of the Banks/ Bipartite Agreement between the Banks and their employees provide for a procedure for deeming an absenting employee to have voluntarily retired and which procedure inter alia entails issuance of notice and giving opportunity to show cause to the absenting employee and hence comply with the requirement of natural justice. The Standing Orders relied on by the petitioner neither provide for any such procedure nor has any such procedure been complied with. In view of the aforesaid legal position which was brought to the notice of the counsel for the petitioner on 3rd May, 2010, it was enquired from the counsel as to how the award could be challenged.

11. The counsel for the petitioner has argued:

- (i) That the respondent no.1 has attained the age of superannuation in the year 2009 and thus the question of his reinstatement does not arise (the counsel however admits that the question of compensation in lieu of reinstatement would still remain).
- (ii) The Labour Court erred in not granting any opportunity to the petitioner to lead evidence on misconduct committed by the

respondent no.1 of abandonment and wrongly held that the petitioner had not made any request thereof.

(iii) That the respondent no.1 was not a workman but a senior journalist and was the only correspondent of the petitioner's newspaper at Shillong.

(iv) That the leave provisions of such senior persons are stringent. Admittedly, the leave sought by the respondent no.1 from 26th December, 1990 to 19th January, 1991 had not been sanctioned; the respondent no.1 still abandoned the station of Shillong. The respondent no.1 vide express telegram dated 18th February, 1991 sent to him at Shillong was directed to do a certain story and on not receiving any reply thereto further express telegrams dated 25th February, 1991, 27th February, 1991 & 28th February, 1991 were sent to him at Shillong. From the said telegrams it is sought to be contended that the principles of natural justice were complied with before the decision communicated in the letter dated 20th March, 1991 of forfeiting the lien of the respondent no.1 on his employment. It is thus urged that the petitioner did not act immediately after eight days of absence.

- (v) That the respondent no.1 was unhappy with his posting at Shillong and instead of challenging his transfer abandoned the job.
- (vi) It is contended that the Shillong office was provided with telex and a telephone with STD facility and the very fact that the respondent no.1 neither telephonically inform of his leave application nor sent it vide telex and opted for the telegram creates doubt about the same.
- (vii) It is repeatedly urged that the criteria as applicable to a workman cannot be applied to the respondent no.1 whose conduct of absconding from an important assignment has to be viewed seriously.
- (viii) That the Labour Court had not considered the unauthorized absence from 26th December, 1990 and has wrongly placed reliance on the list of dates filed by the petitioner in an earlier writ petition.
- (ix) That in fact the evidence of misconduct by abandonment was also led by the parties before the Labour Court and the Labour Court erred in not reading the said evidence to return a finding

as to whether the respondent no.1 was guilty of misconduct or not.

- (x) Attention is invited to Section 14 of the Working Journalists Act making the provisions of the Industrial Employment (Standing Orders) Act, 1946 applicable to every newspaper establishment employing 20 or more employees. It is thus contended that the Labour Court wrongly held that the Standing Orders were not relevant.
- (xi) It is urged that the action of respondent no.1 of leaving the station, which he was exclusively covering, without anybody to relieve him is a serious misconduct.
- (xii) That the respondent no.1 in his cross examination had admitted that the first and the only time the medical certificates were sent by him was on 7th March, 1991.
- (xiii) The reasoning of the Labour Court of the respondent no.1 not being able to get a job because of the public notice is preposterous.
- (xiv) Portions of the evidence are read to show that the respondent no.1 was not interested in working at Shillong.

- (xv) It is contended that the entitlement, if any, of the respondent no.1 to compensation has to be measured in the light of the nature of his duties and the loss of confidence of the petitioner incurred by the respondent no.1 in him and further considering the fact that the respondent no.1 has in all these years not worked for the petitioner and the principle of no work no pay is also sought to be invoked.

12. The counsel for the respondent no.1 has argued:

- (i) That as per Clause 10 of the letter of appointment of the respondent no.1, the conditions of service of the respondent no.1 are to be governed by the Working Journalists Act. Section 16 of the Working Journalists Act gives the provisions of the Act an overriding effect over anything inconsistent therewith contained in any other law or in the terms of any award, agreement or contract of service.
- (ii) Attention is also invited to the Working Journalists (Conditions of Service) and Miscellaneous Provisions Rules, 1957, as per Rule 38 whereof the said Rules also have an overriding effect notwithstanding anything inconsistent therewith contained in any other Rule or agreement or contract of service applicable to a working journalist.

- (iii) Attention is invited to Chapter V of the Rules dealing with “Leave” and it is contended that the leave of working journalists, as the respondent no.1 was, is governed by the said provisions and not by the Standing Orders. Reference is made to Rule 19 requiring reasons for the refusal of leave to be recorded and communicated. It is urged that no such reasons having been recorded or communicated, the respondent no.1 became entitled to leave in terms of his application dated 15th December, 1990 believed by the Labour Court.
- (iv) On the plea of the respondent no.1 being dissatisfied with his posting at Shillong, it is contended that the respondent no.1 prior to 1990 had worked in Shillong for 2 ½ years without any leave whatsoever.
- (v) It is contended that the petitioner nowhere states as to when the respondent no.1 had abandoned his services. It is urged that overstaying leave is not a misconduct under the Working Journalists Act and Rules.
- (vi) Reliance is placed on *Karnataka State Road Transport Corporation Vs. Smt. Lakshmidevamma* AIR 2001 SC 2090 to contend that the request for proving misconduct before the

Industrial Adjudicator, in the event of the domestic enquiry conducted being held to be invalid, has to be made at the earliest point of time i.e. in the written statement and which had not been done in the present case.

- (vii) It is argued that no case of abandonment is made out in the facts and circumstances aforesaid.
- (viii) With respect to the telegrams sent by the petitioner to the respondent no.1 in February, 1991 at Shillong, it is contended that when the petitioner knew that the respondent no.1 is not at Shillong and was drawing his salary from Delhi, the purpose of sending the said telegrams to Shillong is not understood.
- (ix) That the Model Standing Orders would not apply automatically to the petitioner and were required to be certified and which had not been done.
- (x) It is informed that the respondent no.1 attained the age of superannuation on 19th December, 2009.
- (xi) It is complained that though the order under Section 17B of the I.D. Act was for payment of Rs.9,157/- but the petitioner in defiance of the same has been paying a sum of Rs.8,000/-

only by illegally deducting certain amounts towards allowances therefrom.

(xii) It is claimed that the respondent no.1 is also entitled to interest at 9% per annum on all amounts due.

13. The counsel for the petitioner in rejoinder has urged that no provision of the Working Journalists Act and Rules is inconsistent to the Standing Orders and thus the Standing Orders would apply. It is contended that the respondent no.1 himself had not made the alleged application for leave before one month of intended leave as required under Rule 18 of the Working Journalists Rules. It is further urged that the Working Journalists Rules nowhere provide for deemed sanction of leave.

14. It would thus be clear that the counsel for the petitioner has not been able to make any dent on the legal position aforesaid qua abandonment. Clause 9 (3) of the Model Standing Orders relied by the petitioner and as set out in the writ petition is as under:

“If the workman remains absent beyond the period of leave originally granted or subsequently extended, he shall loose his lien on his appointment unless he (a) returns within 8 days of the expiry of the leave and (b) and explains to the satisfaction of the [employer or the officer specified in this behalf by the employer] his inability to return before the expiry of his leave.”

I find that the Division Bench of the Bombay High Court in ***Rambhuwal Thakar Prasad Vs. Phoenix Mills*** MANU/MH/0059/1974 has interpreted standing order in identical term as requiring that before effect is given to the inference of relinquishment of service, an opportunity is to be given to the employee to offer an explanation and only if the said explanation is not found satisfactory by the management, is the employee to be deemed to have terminated his contract of service. Another Single Judge of the Bombay High Court in ***Infomedia India Ltd. Vs. Suhas Shripad Gadre*** MANU/MH/0480/2006 has on review of case law and in relation to newspaper establishment held that the contention of automatic loss of lien upon the failure of the employee to report for work within a period of eight days of expiry of leave cannot be accepted and that before the employer seeks to take action for asserting that consequence, there has to be due compliance of principles of natural justice, not necessarily a full fledged departmental enquiry but an opportunity to enable an employee to furnish any explanation he may have explaining his absence without leave. No such opportunity has been given in the present case.

15. The award thus insofar as holding that the respondent no.1 had not abandoned his employment and / or that the termination of service by the petitioner on the ground of abandonment without conducting any enquiry is bad does not call for any interference.

16. The controversy raised qua the Labour Court having not granted opportunity to prove misconduct before the Labour Court or not returning a finding on misconduct on the basis of evidence adduced before the Labour Court is also unnecessary. The petitioner did not terminate the services of the respondent no. 1 on the ground of misconduct. The petitioner in the letter dated 20th March, 1991 claimed the respondent no. 1 to have deserted his employment amounting to termination of the contract of employment by respondent no. 1 and thus demanded three months' salary from the respondent no. 1. In *Maharashtra State Seeds Corporation Vs. Vilas* (2005) 12 SCC 422, the Supreme Court has held that once an employer takes a specific plea that the employee had been dismissed after a domestic enquiry, it cannot take an alternate plea that it was a termination simplicitor. Similarly in the present case the petitioner could not raise two diametrically opposite pleas; that the respondent no.1 had voluntarily abandoned his services and in the alternative that his services had been dismissed for misconduct. Thus there was no need for the Labour Court to give any opportunity to petitioner to prove misconduct.

17. Moreover, the facts as aforesaid are not in dispute. The Labour Court on the basis of the evidence led before it has returned a finding of fact of the petitioner having sent the telegram dated 15th December, 1990 of leave. The Labour Court in this regard has relied upon a certificate issued by the Telegraph Office of the respondent no.1 having sent the said

telegram. The said finding of fact by the Labour Court cannot be interfered in the exercise of writ jurisdiction. The said finding is a believable finding on the material on record. Moreover, from the other evidence before the Labour Court, copies whereof have been placed on record, it also transpires that the petitioner was aware of the respondent no.1 being in Delhi.

18. The fact remains that the petitioner before terminating the services of the respondent no.1 on the ground of abandonment, even if in accordance with the Standing Orders, did not comply with the principles of natural justice as was required to be done in terms of the judgment cited above. The express telegrams of February, 1991 sent to Shillong cannot come to the rescue of the petitioner. By the said telegrams, the petitioner merely asked the respondent no.1 to carry out certain tasks. The petitioner by the said telegrams did not seek any explanation from the respondent no.1 for his absence. Even otherwise, the said telegrams to Shillong could not have reached the petitioner who was at that time admittedly in Delhi. It is unbelievable that the petitioner was not aware that the respondent no.1 was not at Shillong.

19. The petitioner prior to 20th March, 1991, on 7th March, 1991 had admittedly received medical certificates of the respondent no.1. Even if the respondent no.1 was not satisfied with the genuineness thereof, the petitioner was still required to give an opportunity to respondent no.1 to satisfy with respect to the said certificates. In view of the said fact also, the

petitioner could not on 20th March, 1991 have imputed intent to desert/abandon to the respondent no.1. Also, the respondent no.1 immediately after 20th March, 1991 protested / represented and which is also counter indicative of “abandonment”. Had the petitioner acted bona fide in issuing letter dated 20th March, 1991, it would on receipt of representation dated 25th March, 1991 of respondent no.1 have either taken back respondent no.1 or then given him an opportunity to explain. No such thing was done. The only inference is that “abandonment” was used as a ploy to get rid of respondent no.1. The provision in standing orders to this effect cannot be permitted to be so used.

20. The writ petition is thus liable to be dismissed. However, in view of the subsequent development of the respondent no.1 having attained the age of superannuation, it has to be considered whether the relief is required to be modified.

21. In so far as the award grants back wages to the respondent no.1, the same does not call for any interference. Upon dismissal of the writ petition and vacation of stay of operation of the award, the respondent no.1 has become entitled to back wages from the date of termination i.e. 20th March, 1991 till the date of award i.e. 4th January, 2002. The equities owing to the interim order of stay of operation of the award at the instance of the petitioner have also to be balanced. The petitioner by obtaining the stay having deprived the respondent no.1 of the back wages from 2002 till now

is liable to pay interest thereon at the rate of 7% per annum. A part of the said back wages amounting to Rs.15,00,000/- were got deposited in this Court which have been kept in a interest bearing deposit. Thus interest would be payable only on the amount of back wages in excess of Rs.15,00,000/-. As far as the said Rs.15,00,000/- lying deposited in this Court are concerned, the respondent no.1 has become entitled to release thereof together with the interest accrued thereon. The Registry is directed to release the said amount in favour of the respondent no.1 after six weeks herefrom.

22. In terms of the award if the respondent no.1 had been reinstated in 2002, he would have continued to work till attaining the age of superannuation on 19th December, 2009. The respondent no.1 during the said period would have definitely earned much more than the 17B wages directed to be paid to him. The said wages would have been in consonance with the wages being paid by the petitioner to others equally situated as the respondent no.1. However, instead of leaving the same to be computed and which is likely to lead to further delays, it is deemed expedient to award to the respondent no.1 a lumpsum amount towards the same. Considering the significant rise in wages in the media sector and the payment at the rate of Rs.8,000/- per month received by the respondent no.1 under Section 17B of the I.D. Act, lumpsum compensation for the said period of seven years in the sum of Rs.7,50,000/- is deemed reasonable. Though the respondent

no.1 has not worked for petitioner, however, the fact remains that the respondent no.1 has admittedly not worked elsewhere. Considering the nature of work of the respondent no.1, had he worked for any other publication, it would not have been difficult for the petitioner to point out the same. The petitioner has not been able to state that the respondent no.1 is working in any other establishment.

23. Thus, the petitioner is directed to pay to respondent no.1 within six weeks hereof i) Rs.7,50,000/- as aforesaid failing which the same shall incur interest at the rate of 9% per annum ii) The back wages in accordance with the award in excess of Rs.15,00,000/- together with interest at the rate of 7% per annum thereon from the date of the award till the date of the payment failing which the same shall incur interest at the rate of 9% per annum.

The respondent no.1 is also awarded costs of Rs.25,000/- of this petition.

**RAJIV SAHAI ENDLAW
(JUDGE)**

3rd June, 2010
gsr...