2026:AHC:209464

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 26471 of 2002

M/S Dugdh Utpadak Sahkari Sangh Ltd.

.....Petitioner(s)

Versus

Presiding Officer Labour Court And Others

.....Respondent(s)

Counsel for Petitioner(s)	:	G.D. Misra
Counsel for Respondent(s)	:	B.N. Singh, C.S.C., Neeraj Kumar Srivastava, S.K. Jaiswal, V.N. Singh

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Court No. - 36

HON'BLE SAURABH SHYAM SHAMSHERY, J.

1. Heard Sri G.D. Misra, learned counsel for the petitioner as well as Sri Neeraj Kumar Srivastava, learned counsel for the respondent no.5.

2. The petitioner before this Court is M/s Dugdh Utpadan Sahkari Sangh Ltd. The writ petition has been filed challenging the award dated 25.07.2001 passed by the Labour Court, Uttar Pradesh, Kanpur, whereby it was held that the contesting respondent, i.e. respondent no. 5, shall be reinstated with entire back wages.

3. When this writ petition was filed, this Court passed an interim order dated 09.07.2002, which is reproduced hereinafter

> " Sri V.N. Singh, learned counsel for the respondent no.5 prays for and is granted four weeks time to file counter affidavit. Learned standing counsel represents respondent nos.1 & 2 may also filed counter affidavit within the same time.
> Petitioner will have two weeks thereafter to file rejoinder affidavit.
> List in the Ist week of September, 2002.
> Until further order the operation of the impugned award passed by the respondent no.1 shall remain stayed provided the petitioner reinstates the respondent no.5 and current wages as revised from to time are paid to him."

4. Learned counsel for petitioner submits that aforesaid interim order was duly complied with and respondent no.5 was reinstated and wages were paid as revised from time to time. Thereafter, in the year 2024, respondent no. 5 has attained age of superannuation.

5. None appears on behalf of respondent no.5, though he is represented through counsel and has also filed a counter affidavit.

6. In the aforesaid circumstances, the only issue left for consideration is in regard to wages. It has been submitted that amount of back wages at relevant time was nominal and relevant period was from 1993 to 2001, i.e. about of seven years.

7. Therefore, in the interest of justice, even in absence of learned counsel for respondent no.5, the back wages for said period are quantified as Rs. 50,000/-.

8. In case respondent no. 5 files an application for receipt of the aforesaid amount within a period of four weeks before the petitioner, the said amount shall be paid to him. In case no such application is filed within the aforesaid period, respondent no. 5 shall not be entitled to claim any benefit in respect thereof.

9. Let a copy of this order be sent to respondent no.5 on given address through Registrar (Compliance).

10. With aforesaid modification in the impugned order/award, this writ petition is accordingly disposed of.

October 6, 2026
Ashok Gupta

(Saurabh Shyam Shamshery,J.)

Digitally signed by :-
ASHOK KUMAR GUPTA
High Court of Judicature at Allahabad