



LABOUR

# Supreme Court Sets Aside Reinstatement and Back Wages: Onus of Proof in Cases of Unauthorised Absence and Employee-Furnished Address

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In the realm of industrial and labour jurisprudence, the burden of proof and the standard of evidence required to substantiate claims of illegal termination or unjustified removal from service remain subjects of critical judicial scrutiny. The Supreme Court of India, in its recent judgment dated 22nd May 2026 in *M/s Rifilis Engineering Pvt. Ltd. v. Arjun Gupta* (Civil Appeal arising out of SLP (Civil) No. 26434 of 2024), has reinforced the principle that an employee seeking reinstatement and back wages must lead cogent and documentary evidence to support claims of justified absence and attempted rejoining, and that an employer cannot be penalised for communicating with an employee at the address voluntarily furnished by the employee at the time of appointment. The Bench comprising Hon'ble Mr. Justice Vikram Nath and Hon'ble Mr. Justice Sandeep Mehta allowed the appeal, set aside the judgment of the Allahabad High Court, and cancelled the Labour Court's award directing reinstatement and payment of wages.

The appellant before the Supreme Court, *M/s Rifilis Engineering Pvt. Ltd.*, is a company engaged in the business of manufacturing and designing water features. The respondent, Arjun Gupta, was employed by the appellant in the post of 'Molder' with effect from 1st August 2006. The factual substratum of the dispute traces back to 14th May 2012, when the respondent absented himself from duty without any prior intimation to any official of the appellant-company. In response, the appellant issued a registered letter dated 18th May 2012 to the respondent at the last known permanent address furnished by him at the time of his appointment, calling upon him to explain his unauthorised absence and warning that strict action would be taken in the event of non-compliance. The notice remained unanswered.

The respondent subsequently claimed that he had returned to the appellant's office on 8th June 2012 and attempted to join duty, but alleged that he was not permitted to do so and was illegally removed from service with effect from that date. On 22nd June 2012, the respondent filed a complaint before the Deputy Labour Commissioner, Gautam Budh Nagar, Noida, Uttar Pradesh, which was registered as C.P. Suit No. 427/2012 and referred to the Conciliation Officer under Section 4 of the Industrial Disputes Act, 1947. Based on the Conciliation Officer's report, the Deputy Labour Commissioner referred the dispute to the Labour Court on 21st May 2013, and the matter was registered as Adjudication Dispute No. 361/2013.

The Labour Court, by its ex-parte award dated 23rd February 2022, directed the appellant to reinstate the respondent in continuation of his earlier service and to pay his entire salary from the date of discontinuation of service till the date of reinstatement, along with all consequential benefits. The appellant came to learn of the ex-parte award on 19th July 2022 and filed a recall application seeking to set it aside. However, the Labour Court dismissed the application by order dated 2nd January 2023. The appellant then preferred Writ-C No. 5479/2023 before the High Court of Judicature at Allahabad, challenging both the ex-parte award and the dismissal of the recall application. By order dated 2nd March 2023, the High Court allowed the writ petition and remanded the matter to the Labour Court for a fresh hearing.

Upon remand, the Labour Court, by its order dated 27th October 2023, once again decided the dispute in favour of the respondent. It directed the appellant to reinstate the respondent in continuation of his earlier service, along with 50% back wages from the date of discontinuation of service till the date of publication of the award, and full salary and other benefits thereafter. The award was published on 8th December 2023. Aggrieved by this second award, the appellant filed Writ-C No. 8077/2024 before the Allahabad High Court. By the impugned judgment and order dated 13th March 2024, the High Court dismissed the appellant's writ petition and upheld the Labour Court's award. In doing so, the High Court observed that the registered letter dated 18th May 2012 had been sent to the respondent's permanent address in Bihar, rather than to the address at which he was actually residing in Gautam Budh Nagar at the relevant time. The appellant thereafter approached the Supreme Court by way of Special Leave Petition.

Before the Supreme Court, the counsel for the appellant submitted that the respondent was never removed from service and that the cessation of his employment was entirely a consequence of his own unauthorised and unexplained absence. It was emphasised that the notice was sent to the only permanent address available in the employer's records, being the address furnished by the respondent himself at the time of his appointment, and that the employer could not be faulted for this. It was further submitted that even after the award of the Labour Court was published, the respondent failed to join service despite multiple communications issued by the appellant, without offering any explanation whatsoever. On the other hand, the counsel for the respondent contended that the respondent was compelled to go on leave as his mother was seriously ill and that he had duly informed his superior officer before leaving. It was argued that the registered notice never reached him as it was addressed to his permanent address in Bihar and not to his residential address in Gautam Budh Nagar. The respondent further alleged that the management harassed him and refused to allow him to rejoin duty or pay his due back wages, and that he was entitled to reinstatement with all consequential benefits.

The Supreme Court gave its careful consideration to the rival submissions and examined the record in detail. The Court noted the High Court's finding that the registered notice dated 18th May 2012 was dispatched to the respondent's permanent address in Bihar, whereas he was residing at a different address in Gautam Budh Nagar at the time. However, the Court was unable to accept that the appellant-company could be held responsible for this. The Court held that the notice was sent to the only address available in the employer's records, which was the address furnished by the respondent-employee himself at the time of his appointment. An employer, the Court reasoned, can only be expected to communicate with an employee at the address the employee has provided. If the respondent had changed his place of residence, the obligation to inform his employer of the change rested squarely on him, and he could not be permitted to take advantage of his own omission.

The Court then turned to the respondent's claim that his absence was due to his mother's serious illness and that he had verbally informed his superior before leaving. This claim was found to be entirely unsubstantiated. No documentary evidence had been placed on record in support of it. More significantly, during the entire period of absence, the respondent did not send a single written communication to his employer explaining the reasons for his absence or seeking leave. The Court observed that had his explanation been genuine, he could have sent a letter or other written intimation, and having failed to do so, he could not rely solely on an oral assertion to justify his unauthorised absence. The respondent's further claim that he returned on 8th June 2012 and attempted to rejoin duty but was not permitted was also found to be unsupported by any documentary evidence.

The Supreme Court concluded that the respondent had absented himself without authorisation, failed to send any written communication to his employer during his absence, led no documentary evidence to explain his absence, and produced no evidence of any attempt to rejoin duty. Therefore, the Labour Court and the High Court had erred in granting relief in the absence of such evidence. The writ petition of the appellant was held to be liable to be allowed.

In view of the foregoing, the Supreme Court allowed the present appeal. The impugned judgment and order dated 13th March 2024 passed by the High Court of Judicature at Allahabad in Writ-C No. 8077/2024 was set aside, and the petition was allowed. Consequently, the award of the Labour Court dated 27th October 2023 passed in Adjudication Dispute No. 361/2013 was set aside. The direction for reinstatement of the respondent, along with all ancillary directions with respect to back wages and other consequential benefits, was cancelled, and the claim of the respondent-employee was dismissed. Pending applications, if any, were directed to stand disposed of.

This judgment serves as a significant reminder in industrial jurisprudence that an employee seeking affirmative relief such as reinstatement and back wages bears the onus of establishing the factual foundations of the claim through reliable and documentary evidence. Mere oral assertions, particularly in the face of prolonged unauthorised absence and a complete lack of written communication with the employer, cannot sustain a claim for reinstatement. Equally, the decision reinforces the principle that an employer's obligation to communicate with an employee is limited to the address voluntarily provided by the employee, and the employer cannot be penalised for the employee's failure to update his residential particulars. The ruling highlights the necessity of evidentiary rigour in labour adjudication and provides a clear precedent for employers defending claims arising from unexplained and prolonged absences.

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