

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.12699 of 1993

Date of Decision: 03.12.2015

Executive Engineer Tunnelling Division No.I,
R.S.D. Shahpurkandi

... Petitioner

Versus

Sh. Bahadur Singh and another

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Harkesh Manuja, Addl. AG, Punjab.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.

1. The State of Punjab through the Executive Engineer Tunnelling Division No.I, R.S.D. Shahpurkandi approached this Court in the year 1993 against the award passed by the Presiding Officer, Labour Court, Gurdaspur dated May 06, 1993 awarding reinstatement and full back wages to the respondent-workman from the date of demand notice i.e. August 13, 1987.

2. This matter was admitted on October 14, 1993 and payment of back wages was stayed. Since reinstatement was not stayed, the workman was taken back in service and has been working since then.

3. Heard Mr. Harkesh Manuja, Addl. AG, Punjab in his challenge to the award. He has not been able to satisfy this Court that the findings of the Labour Court on the jurisdictional facts are incorrect as to the completion of the requisite period of service of 240 days prior to the termination and breach of the mandatory provisions of section 25-F of the

Industrial Disputes Act, 1947 which is a condition precedent to retrenchment was in favour of the workman. The wages drawn initially at the time of appointment were Rs.360/- per month which were later raised to Rs.511.30 per month at the time of termination. When these two issues are held in favour of the workman and are sound in reasoning then the Labour Court has committed no error in granting relief of reinstatement and continuity of service but restricting the payment of full back wages from the date of demand notice served on the management on August 13, 1987 from which arose Ref. No.19 of 1989.

4. No ground for interference is made out or is warranted in writ jurisdiction.

5. The petition without substance is dismissed.

(RAJIV NARAIN RAINA)
JUDGE

03.12.2015
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