

**THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR No. 3970 of 2013 (O&M)
Date of decision: July 20, 2015

Ishwar Singh

...Petitioner

Versus

Atlas Cycles (Haryana) Limited

...Respondent

CORAM:- HON'BLE MR. JUSTICE K. KANNAN

1. **Whether Reporters of local papers may be allowed to see the judgment ?**
2. **To be referred to the Reporters or not ?**
3. **Whether the judgment should be reported in the Digest?**

Present: Mr. BR Vohra, Advocate,
for the petitioner.

K. KANNAN, J. (Oral)

1. The revision is against the order passed by the District Judge, as appellate authority under the Payment of Wages Act. The petitioner, who was workman, had secured an award for reinstatement and back wages upto 45% when the order was passed in the year 1980 to stay on account of a challenge to the award by the employer. The award of the Labour Court was confirmed in the higher forum in this court and the workman was, therefore, seeking recovery after being reinstated in service on 7.3.1996 for 100% of the back wages denied to him after the award by virtue of operation of the order of stay.

2. The authority under the Payment of wages Act allowed for the amount but did not consider his prayer for bonus, leave encashment and provision for long service allowance. The authority disposed of the petition providing only for wages and giving a liberty for the reliefs not provided

immediately. The management took the order in appeal. During the pendency, it appears the workman had approached the Payment of wages Authority again which allowed the claim under the three heads that was specifically referred by the first order for being considered through a separate petition. The reliefs had also been granted but the appellate authority through the impugned order has declined liberty granted by the first order.

3. If the workman comes by a favourable order of reinstatement, he shall be entitled to every financial benefit that accrues to the particular post that he was not holding. If the first party did not adjudicate on the other allowances and provided only for the salary portion, it was fair enough that the authority granted liberty to the workman to resort to the same by separate application. There is no justification for the appellate authority to modify the order. This becomes all the more relevant in the light of the fact that the the authority under the Payment of Wages Act actually did entertain a fresh application from the workman and also granted the relief. The intervention made by the appellate authority in the manner that it did was erroneous and I set aside the same and allow the revision petition.

4. The revision is allowed.

July 20, 2015
prem

(K.KANNAN)
JUDGE