

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

CWP No.12965 of 1994

Date of Decision : 9.2.2015

Chief Wild Life Warden and another

....Petitioners

Versus

Amar Singh and another

...Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

....

1. Whether Reporters of Local Newspapers 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.Harkesh Manuja, Addl.Advocate General, Punjab.

Mr. Sanjeev Pandit, Advocate
for respondent No.1.

.....

MAHESH GROVER, J.

The petitioner-State of Punjab impugns the award dated 27.9.1993. The workman claimed a reference questioning the termination of his services and the Labour Court while accepting the plea of the workman ordered reinstatement along with back wages from 1990 till the date of publication of the award which would approximately make it to a period of three years. It is not in dispute that the workman has been reinstated in service after the writ petition was filed as the order

of this Court dated 15.9.1994, stayed only the grant of back wages. It is also to be noticed that the motion bench admitted the petition purely on the question of law as to whether the Wild Life Department of the Government of Punjab constitutes an industry or not under Section 2(j) of the Industrial Disputes Act, 1947. This issue has now been settled and thus the question of law has been rendered redundant.

The only issue that remains to be decided is regarding the grant of back wages, since the workman concededly stands reinstated and is still working.

Considering the fact that the petition has remained pending in this Court since 1994, it would be futile and extremely unjust to disturb the status of the workman even if the plea of the petitioners was to be accepted. A perusal of the award does not show any unjust approach. It stood established that the workman worked with the petitioner-department for a period of four years prior to his termination. It was an ex-parte award as the petitioners did not choose to file any written statement despite appearance. No justifiable reason has been given by the petitioners in this regard. In this view of the situation and taking into consideration the totality of the circumstances, I would not deem it appropriate to interfere with the impugned award particularly when there is no reason shown for non-participation

in the proceedings. Besides, the workman continues to work with the petitioners.

Dismissed.

9.2.2015
dss

(MAHESH GROVER)
JUDGE