

**Sr. No. 104
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No.14647 of 1994
Date of decision:11.12.2015**

Pepsu Road Transport Corporation Patiala through its Managing
Director

... Petitioner

Versus

The Presiding Officer, Labour Court, U.T., Chandigarh and another
... Respondents

CWP No.6776 of 1995

Surinder Singh

...Petitioner

Vs.

The Presiding Officer, Labour Court, U.T., Chandigarh and others
...Respondents

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

Present: Mr. H.S.Baath, Advocate,
for the petitioner in CWP No. 6776 of 1995 and
for the respondent in CWP No.14647 of 1994.

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

RAJIV NARAIN RAINA, J.(Oral)

This order will dispose of CWP No.14647 of 1994 and CWP No.6776 of 1995 as the controversy involved in both these cases is the same. For convenience, the facts are being referred from CWP No. 14647 of 1994.

The Presiding Officer Labour Court, UT, Chandigarh by his award dated 09.06.1994 awarded reinstatement and continuity of service but the backwages have been restricted to 60% of the arrears. A positive finding has been returned that services of the workman were illegally terminated by the Management which is the

Pepsu Road Transport Corporation, Patiala. Both the Corporation and the workman are before the Court challenging the award. The Management prays that the award be set aside, however, worker claims that reinstatement and continuity of services granted to him should not be disturbed. Moreover, he prays that he should be given 100% backwages.

The petition was filed in 1994. It was admitted on 10.10.1994 and operation of impugned award was stayed, subject to the provisions of Section 17-B of the Industrial Disputes Act.

Learned counsel for the petitioner states that the workman was taken back in service by the Management without Court intervention in the 1990's and retired from service on reaching the age of superannuation. The fact that the Management obtained the stay order and reinstated the petitioner on its own volition subject to writ petition, then interference in the award is not necessarily called for either at the hands of the Management or the worker.

Consequently, both the writ petitions are dismissed and the award is upheld.

(RAJIV NARAIN RAINA)
JUDGE

11.12.2015
vandana