

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

**CWP No.15774 of 1993
Date of Decision: 05.08.2015**

Surinder Kumar

... Petitioner

Versus

Punjab Roadways and another

... Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL.

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

Present: Mr. Prateek Mahajan, Advocate for the petitioner.

Mr. V. Ramswaroop, Addl. A.G. Punjab.

AMIT RAWAL, J. (ORAL)

The claim in the present petition is for modification of the award dated 01.06.1993 (Annexure P-1), whereby the Labour Court has declined the relief of backwages.

Mr. Prateek Mahajan, learned counsel appearing on behalf of petitioner submits that the petitioner joined service in Punjab Roadways as Helper on 21.04.1981 and remained in service till 21.04.1983 when his services were illegally and arbitrary terminated. He raised the demand notice on 25.05.1983 but Government had taken seven years in sending the reference to the Labour Court and reference was registered in the year 1991. The Labour Court while noticing the aforementioned fact had declined the relief of backwages.

Mr .V. Ramswaroop, Addl. A.G. Punjab submits that award of

the Labour Court is fair, legal and justified and there is no illegality and perversity.

I have heard learned counsel for the parties.

The Labour Court while declining the relief of backwages had relied upon the judgment rendered in *Punjab Agro Industries Corporation Ltd. Vs. Presiding Officer, Labour Court, Union Territory, Chandigarh 1993(2) SCT 169*, where the workman was instrumental in serving the demand notice belatedly. Here in the instant case, it is a matter of record that demand notice was served on 25.05.1983.

It is now settled law as has been held in *Sukhwinder Kaur Vs. Punjab Roadways, Pathankot, 1994(4) SCT 268*, that where time taken by the Government in making reference is of about seven years, the workman cannot be non-suited, much less, backwages cannot be declined. In the instant case on similar count, where workman had raised the demand notice well within the time.

Keeping in view the aforementioned observation, the award of the Labour Court is modified. The workman since has already been reinstated and workman shall be entitled to full backwages from the date of raising the demand notice.

The respondents are directed to make the payment of full backwages within a period of three months from the date of receipt of certified copy of the order failing which it shall entail interest @ 12% p.a.

Writ petition stands disposed of.

August 05, 2015
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(AMIT RAWAL)
JUDGE