

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

**CWP No.11234 of 1995
Date of decision:14.12.2015**

C.C.S. Haryana Agricultural University, Bawal ... Petitioner

Versus

The Presiding Officer, Industrial Tribunal-cum ... Respondents
Labour Court, Gurgaon & anr.

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

Present: Mr. Kshitij Sharma, Advocate,
for the petitioner.

Mr. Hari Om Sharma, Advocate,
for respondent No.2.

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

RAJIV NARAIN RAINA, J.(Oral)

Mr. Kshitij Sharma, learned counsel for the petitioner submits that in terms of interim order dated November 14, 1995, the respondent-workman was taken back in service by the petitioning University. However, back wages were stayed. He submits that during the course of employment, the services of the respondent-workman were regularized in terms of the policy of the Haryana Government, which were applicable to the University. The details of the case are mentioned in a letter produced by Mr. Kshitij Sharma at the time of hearing from where it is revealed that the workman Khub Ram had rejoined service on June 28, 1994. He was daily paid labourer, who was notionally regularized w.e.f. April 1, 1993 as per order dated July 22, 1997 a copy of which has been produced in Court and is taken on record as mark 'A'. It

was a condition of regularization and grant of running pay scales i.e. Rs.750-940 that the four workers regularized in service would forego back wages upto the date of rejoining. This condition was accepted by respondent No.2, who submitted a joining report on July 24, 1997.

In view of this turn of events, this writ petition has been rendered infructuous. Since the claim for back wages under the award was waived by the workman in lieu of regularization, therefore, the cause of action has abated in the life time of the respondent-workman who died on September 25, 2009. In these circumstances, it would serve no useful purpose to permit parties to bring his LRs on record, as their rights, if any, stand extinguished by Khub Ram during his life time as a bargain for being declared a regular employee.

Accordingly, the petition is closed.

(RAJIV NARAIN RAINA)
JUDGE

14.12.2015
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