

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

**CWP No.16305 of 1995**

**Date of Decision: 18.12.2015**

Haryana Dairy Development Co-operative  
Federation Limited

... Petitioner

Versus

The Presiding Officer, Industrial Tribunal-  
cum-Labour Court, Rohtak and another

... Respondents

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

Present: Mr. K.K. Gupta, Advocate,  
for the petitioner.

Mr. Rajiv Dhawan, Advocate,  
for the respondent.

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

**RAJIV NARAIN RAINA, J.**

The Presiding Officer, Labour Court, Rohtak has awarded reinstatement with 50% back wages and continuity of service by the award dated November 28, 1994.

The Federation is before this Court challenging the award. When this matter came up for hearing for the first time on November 13, 1995 the case was admitted. Notice regarding stay was issued for December 18, 1995 and in the meantime, payment of back wages was stayed. As a result, the stay order was confirmed. As a result, the respondent-workman was taken back in service as that part of the award was not stayed. As per

the statement made by the learned counsel for the respondent the petitioner is still working for the Federation. At this distance of time I have hardly any doubt that it would not be just or meet to needlessly plough into the merits of the award regarding reinstatement and disturb the judicial discretion exercised by the labour court in granting the relief. There is also no cogent reason found whatsoever to interfere in grant of 50% back wages for the sake of interference since the jurisdictional facts necessary for giving relief stand amply satisfied on the evidence produced by the parties before the Labour Court, and a finding has come that the workman had completed 240 days in the 12 calendar months preceding the date of illegal termination brought about abruptly on December 01, 1988.

The workman had served the management from September 21, 1987 to November 30, 1988 and Ref. No.541 of 1989 was decided on November 28, 1994 from where this petition arises. There is a finding of fact that while terminating the services of the workman the provisions of Section 25-F of the Industrial Disputes Act, 1947 were not complied with which were mandatory in nature and any departure would entail nullification of the illegal termination and a declaration would follow that retrenchment was *ab initio* void. As an ancillary relief it is ordered that the period of service shall be deemed to be regularised when the award was substantially implemented by the Federation qua reinstatement to service.

In view of the above, no interference is called for in the award and there is also hardly any substance in the petition to overturn the award with respect to back wages, which award does not suffer from any noticeable legal infirmity or error apparent on the record. The petition is

thus dismissed.

(RAJIV NARAIN RAINA)  
JUDGE

18.12.2015  
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