

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.17349 of 1995

Date of Decision: 19.12.2015

State of Punjab

... Petitioner

Versus

Shri Paras Ram and another

... Respondents

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

Present: Mr. Harkesh Manuja, Addl. AG, Punjab.

None for the respondents.

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

RAJIV NARAIN RAINA, J.

1. Mr. Manuja contends that the period of service spent by the workman was brief, lasting from August 17, 1988 to June 30, 1989 and the Labour Court fell in error in awarding reinstatement and full back wages even from the date of demand notice which is hardly any justice.

2. This Court did not stay reinstatement by the interim order dated November 29, 1995 and stayed only the back wages part of the award.

3. Mr. Manuja points out to the affidavit filed by the Executive Engineer, Township Division, Ranjit Sagar Dam, Shahpur Kandi averring that the respondent-workman was taken back in service on January 08, 1996 and was continuing till the date. The affidavit was filed on December 19, 1996. This Court will assume that the petitioner has been in service all along.

4. When the reinstatement part of the impugned award has been implemented it would, to the mind of this Court, serve no useful purpose to judicially review the award to the extent of reinstatement and the findings thereon are affirmed as plausible.

5. The moot question remains as to what is to be done of the back wages awarded from the date of demand notice.

6. The last drawn wages of the workman at the time of termination was Rs.690/-per month. The period covered by the award for back wages is about five years. The total amount comes to about Rs.43,000/- which is a meagre amount today and open to interference in exercise of supervisory and the extraordinary jurisdiction of this Court on a trifling amount when the man has been serving. Accordingly, that part of the award is also affirmed as fair and proper relief granted for illegal termination of employment in addition to reinstatement etc. The amount will be paid to the workman but the amount will carry no interest since no interest was awarded by the Labour Court.

7. The petition stands dismissed with the above observations.

(RAJIV NARAIN RAINA)
JUDGE

19.12.2015
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