

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP no. 9317 of 1993(O&M)

Date of Decision : 28.01.2015

Pepsu Road Transport Corporation

....Petitioners

Versus

The Presiding Officer, Labour Court, Chandigarh and another

...Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

1)Whether reporters of local newspapers may be allowed to see the judgment?

2) To be referred to the Reporters or not?

3) Whether the judgment should be reported in the Digest?

Present : Mr. R.S.Ahluwalia, Advocate for the petitioner

MAHESH GROVER, J.

Learned counsel for the petitioner states that despite his repeated attempts to contact the petitioner -corporation there has been no response and no instructions issued.

This Court notices that adjournments were granted repeatedly to the learned counsel for the petitioner to solicit instructions in this regard as to whether any cause survives in the instant petition. There being no information forthcoming, I am of the view that the instant petition deserves to be disposed of.

The prayer made in the instant petition was for quashing of the award dated 23.4.1992 vide which reinstatement with full back wages was allowed. On 5.8.1993, this Court had stayed recovery of back wages only.

I have considered the matter by perusing the award. The workman had worked only for one year before his services were dispensed with on 23.11.1984. He served a demand notice on 16.3.1988 after a delay

of 4 years. The back wages granted to the workman in the given set of circumstances when reinstatement has already been ordered and carried out is the only issue that survives in the instant petition. While considering the grant of back wages the Labour Court should have also taken into consideration the delay in raising the demand. Such factors as these should weigh with the Labour Court. While considering the grant of relief if a demand notice is issued and proceedings initiated after an inordinate delay then the alternate course of grant of compensation ought to be explored by the Labour Court, or even that of limiting the back wages to a certain percentage. In the given set of circumstances when the workman only worked for one year and proceedings initiated after considerable delay, I am of the view that instead of grant of back wages grant of compensation should have been an appropriate course. Undisputedly the workman was taken back in service and thus keeping in view the totality of circumstances including the long pendency of the petition, I am of the view that grant of Rs.20,000/- would meet the ends of justice.

With the aforesaid modification in the award, instant petition is disposed of.

January 28, 2015
rekha

(MAHESH GROVER)
JUDGE