

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.18481 of 1995

Date of Decision: 21.12.2015

Municipal Council, Panipat

... Petitioner

Versus

Sh. Daya Nand and others

... Respondents

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

Present: Mr. Arun Nehra, Advocate and  
Mr. Sant Kashyap, Advocate,  
for the petitioner.

Ms. Abha Rathore, Advocate,  
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. (Oral)**

1. Discretion once exercised judicially by the Tribunal which is neither unreasonable nor arbitrary nor perverse is not open to correction in the supervisory writ jurisdiction of this Court provided under Article 226 of the Constitution of India on any of the grounds of challenge in the petition.

2. While admitting the petition by the interim order, the Division Bench of this Court approved the reinstatement and issued notice limited to the question of 50% back wages on which question alone this matter is heard today.

3. Having heard the learned counsel for the parties on the question of back wages, I do not think that this is a fit case to interfere or even to award back wages from the date of demand notice and that would amount to

tinkering with the award needlessly. Award of back wages from the demand notice is judicially evolved principle where delays are anomalous which should not be burden on the employer. What is within the judicial discretion is lawful.

4. I find no valid or cogent reason to interfere with the award and dismiss the petition.

**(RAJIV NARAIN RAINA)**  
**JUDGE**

**21.12.2015**  
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