

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

C.W.P. No.3684 of 1995 (O&M)
DATE OF DECISION : 29.1.2015

State of Punjab

PETITIONER

VERSUS

Presiding Officer, Labour Court, Jalandhar & 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:- Shri Nilesh Bhardwaj, D.A.G. Punjab for the State/petitioner.

Shri Varun Gupta, Advocate for respondent-2.

MAHESH GROVER, J.

The petitioner/State has impugned the award dated 24.4.1991 passed by the Labour Court, Jalandhar.

The respondent/workman had claimed a reference questioning the termination of his service without complying with the provisions of Section 25-F of the Industrial Disputes Act. He further pleaded that action of the petitioner/State was arbitrary as juniors were still working, while his services were

dispensed with.

The petitioner admitted that the respondent/workman had worked from January, 1987 to 20.7.1988. It was also conceded by them that juniors were working although it was pleaded that since all the employees were working on contractual basis, the question of their being junior would not strictly be attracted. The Tribunal concluded in favour of the workman and ordered his reinstatement with continuity of service and full back wages.

When the matter was agitated before this Court, the petition was admitted on the strength of a reference made to a Division bench judgment of this Court in C.W.P. No.8878 of 1993 where it had been held that Horticulture Department is not an industry which no longer holds good.

Initially, the impugned award was stayed but subsequently, upon an application moved by the workman, the interim order was vacated. The workman, therefore, continued to work with the petitioner upon reinstatement.

In view of the fact that no restraint order existed after 1996 and the fact that the workman has been reinstated in service and the award complied with, I am of the considered view that the petition has largely outlived its utility and now sans any issue worth deliberation.

Consequently, the petition is disposed of as having become infructuous.

January 29, 2015
GD

(MAHESH GROVER)
JUDGE