

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

**CWP No.2859 of 1997
Date of Decision: 04.03.2015**

Engineer-in-Chief and others

...Petitioners

Versus

Jai Pan and another

... Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

Present: Mr.Gagandeep Singh Wasu, Addl.A.G., Haryana.

Mr. S.S.Dinarpur, Advocate
for respondent No.1.

AMIT RAWAL, J. (ORAL)

The present writ petition has been filed by the State against the award dated 22.02.1996 whereby the workman respondent No.1 was directed to be reinstated with continuity of service with full back wages. The aforementioned writ petition was admitted vide order dated 22.07.1997.

During the pendency of the writ petition, an application seeking the stay of the impugned award has been filed by the State and in those proceedings the learned counsel appearing on behalf of the workman stated that the workman will not claim the back wages in compliance with the directions contained in the award dated 22.02.1996. For the sake of brevity order dated 06.07.1998 is reproduced herein below:-

"Notice of civil miscellaneous be issued to respondent's

counsel Sh.Rameshwar Malik, Advocate. At this stage, Mr. Rameshwar Malik put in appearance and accepts notice. Mr. Malik states that respondent No.2 has since joined and, therefore, keeping in view the said fact, the application seeking stay in this regard has become infructuous. Learned counsel further states that respondent No.2 will not claim back wages during the pendency of the writ petition. Order is made accordingly and no further directions are required to be issued.”

Since no cause of action survives with regard to the reinstatement, the grievance of respondent No.1 that he would not claim back wages, this Court while exercising the power under Article 226 of the Constitution of India, deem it fit, to award, a consolidated sum of ₹ 60,000/- to respondent No.1 as compensation towards claim qua the relief of back wages. It is made clear that respondent No.1 would not claim back wages after receiving ₹ 60,000/-. With aforementioned observation the award of Labour Court is modified.

The writ petition is disposed of accordingly.

(AMIT RAWAL)
JUDGE

March 04, 2015
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