

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

CWP-17337-2013

Date of decision : 21.08.2015

General Manager, Haryana Roadways, Faridabad & Anr.

..... Petitioners

Vs

Sh. Devi Sahai & another

.....Respondents

Coram : Hon'ble Mr. Justice Rajiv Narain Raina

Present : Ms. Vibha Dhiman, Addl. A.G., Haryana
for the petitioners.

Ms. Abha Rathore, Advocate
for respondent No.1.

Rajiv Narain Raina, J. (oral)

The respondent-workman was taken back in service after first award was passed on 13.03.2001 by the Presiding Officer, Labour Court granting reinstatement with continuity of service and 50% of back wages. In the writ petition filed against the award by the State of Haryana, the award of the Labour Court was set aside and the matter was remanded back to the Labour Court by giving an opportunity to the Management to give evidence in proof of the alleged misconduct against the workman, who was a Conductor in the Haryana Roadways. Meanwhile, the respondent-workman was taken back in service and continued till 31.03.2014 when he has retired on reaching the age of superannuation, then I do not think any interference is warranted against the second award of the Labour Court. Vide award dated 04.01.2011, the Labour Court granted

reinstatement with continuity of service along with 10% back wages from the date of demand notice. The Labour Court has returned a finding that even after remand of the case, the management has failed to produce any substantial evidence before the Court to show that the enquiry proceedings were fair and proper and, therefore, the charge of embezzlement has not been substantiated, although, opportunity was given to the management by this Court to lead evidence *aliunde*.

The petitioner has retired, hence, interference is not warranted in the award which is affirmed and the petition is dismissed with no order as to costs.

(RAJIV NARAIN RAINA)
JUDGE

21.08.2015

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