

**Civil Misc.No.14729 of 2014 &  
Civil Writ Petition No.15557 of 2014**

**{ 1 }**

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

Civil Writ Petition No.15557 of 2014 (O&M)  
Date of Decision: March 20, 2015

Executive Engineer, PWD (B&R), Division No.1, Gurgaon

...Petitioner

Versus

Smt.Santosh & another

...Respondents

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

1. Whether Reporters of local papers 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.Keshav Gupta, AAG, Haryana,  
for the petitioner.

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

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**AMIT RAWAL, J. (Oral**

The Executive Engineer, PWD (B&R), Division No.1, Gurgaon  
has approached this Court challenging the award of the Labour Court dated  
15.1.2014, whereby respondent No.1-workman has been ordered to be  
reinstated with continuity of service and full back wages.

This Court, while issuing notice of motion on 6.8.2014,  
observed as under:-

“Counsel for the State submits that full back wages have been  
granted to the respondent No.1-workman from the alleged date  
of termination i.e. 30.6.1997, whereas the demand notice was  
only raised on 8.3.1999, two years later.

Notice of motion for 22.1.2015 only on the limited issue of the

entitlement of back wages. The workman will not be entitled to back wages and recovery of the same are stayed. It is further clarified that she will be entitled for relief of reinstatement, keeping in mind she had nine years of service.”

Learned counsel appearing for the petitioner submits that the Labour Court has erroneously awarded full back wages by not taking into consideration the fact that the demand notice has been served after 1 year and 9 months. He also submitted that the services of the respondent-workman were terminated on 30.6.1997 and the demand notice was raised on 8.3.1999. Learned counsel appearing on behalf of respondent No.1-workman contends that the respondent-workman is willing to forgo the back wages for that period.

In view of the statement made by the learned counsel for respondent No.1-workman, no cause of action survives to the petitioner to challenge the award with regard to the back wages for the aforementioned period. The award of the Labour Court stands modified. The respondent-workman would not be entitled to back wages for the aforementioned period, i.e., 30.6.1997 to 8.3.1999.

It is made clear that other benefits shall remain intact.

In view of the above, the application filed under Section 17-B of the Industrial Disputes Act for payment of monthly wages is also rendered infructuous.

The writ petition stands disposed of.

**March 20, 2015**  
**ramesh**

**( AMIT RAWAL )**  
**JUDGE**