

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Writ Petition No.15595 of 2014
Date of Decision: May 05, 2015

SDE, PWD (B&R), Prov.Div.No.1, Sub Division No.4, PWD, Gurgaon

...Petitioner

Versus

Rajinder Singh & 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.Hitesh Pandit, Addl.A.G.Haryana,
for the petitioner.

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

AMIT RAWAL, J. (Oral)

The challenge in the present writ petition is to the award dated 15.1.2014 (Annexure P-5), whereby the reference has been answered in favour of the workman and he has been ordered to be reinstated into service along with 70% back wages.

The sole grievance of the petitioner is that the back wages ought to have been granted from the date when the workman raised the demand, i.e., from 2001 and not from the date of termination.

Ms.Abha Rathore, learned counsel appearing for respondent No.1-workman submits that as per the settled law, the delay would not be

fatal and would not come in the way of the workman for claiming the back wages from the date his services were terminated. In support of her contention, she relied upon the judgment rendered in **Raghubir Singh Versus General Manager, Haryana Roadways, Hissar, (2014) 10 Supreme Court Cases 301**. By relying upon the aforementioned judgment, learned counsel for the workman contends that the Court can mould the relief awarded by the Labour Court.

Since the workman has raised the demand notice in the year 2001, the Labour Court ought not to have awarded the back wages to the extent of 70% from the date of alleged termination, which was caused in the year 1994. Accordingly, the award of the Labour Court is modified to the extent that the workman shall be entitled to reinstatement into service with continuity of service and the back wages to the extent of 70% will be effected from the date when the demand notice was raised, i.e., 2001.

With the aforementioned observations, the writ petition stands disposed of.

May 05, 2015
ramesh

(AMIT RAWAL)
JUDGE