

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

**CWP No.14966 of 2015
Date of decision: 27.07.2015**

Ashwani Kumar

Vs.

... Petitioner

The Presiding Officer, Industrial Tribunal,
Ludhiana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. Sharwan Sehgal, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

Challenge in the present writ petition is to the Award dated 28.03.2014, which was published on 28.04.2014, Annexure P-9, whereby, the reference has been answered in favour of the petitioner and he has been held entitled to reinstatement with continuity of service but claim qua back wages has been declined.

Mr. Sharwan Sehgal, learned counsel appearing on behalf of the petitioner submits that the petitioner is also entitled to back wages, inasmuch as that the petitioner has proved on record that he was unemployed during the period he remained out of job.

Once the aforementioned contention is proved, onus shifts upon the

Management to rebut the same. He further submits that against the relief qua reinstatement with continuity of service, Management had filed CWP No.18481 of 2014, which is listed for 28.07.2015.

I have heard learned counsel for the petitioner and appraised the paper book.

On perusal of the demand notice, it has been noticed that the demand notice was raised after 05 years of alleged termination. Even in the demand notice, there is no averment that he was unemployed during the period he remained out of job. Therefore, there is no compliance of the directions as contained in the judgment rendered by Hon'ble the Supreme Court in Deepali Gundu Surwase vs. Kranti Junior Adhyapak Mahavidyalaya (D.Ed) and others **2013(4) S.C.T. 716**. Though there is a passing reference in the claim statement, but there has to be specific averment, thus, the claim as sought to be projected, is wholly mis-conceived.

Accordingly, the writ petition is dismissed.

(AMIT RAWAL)
JUDGE

July 27, 2015
savita