

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

Civil Writ Petition No.25048 of 2012

Date of Decision: May 05, 2015

The General Manager, Haryana Roadways, Gurgaon

...Petitioner

Versus

Hazari Lal & another

...Respondents

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

Present: Mr.Keshav Gupta, AAG, Haryana,
for the petitioner.

Mr.A.K.Chauhan, Advocate,
for Mr.Arvind Singh, Advocate,
for respondent No.1.

AMIT RAWAL, J. (Oral)

The challenge in the present writ petition is to the award dated 14.6.2012 (Annexure P-1), whereby the reference has been answered in favour of the workman and the workman has been held entitled to reinstatement in service on suitable post with continuity of service and full back wages w.e.f. 17.3.2006, i.e., the date of alleged retirement till reinstatement in the job.

Mr.Keshav Gupta, learned AAG, Haryana, appearing for the petitioner submits that the workman was appointed on 1.5.1992 and during service, he met with an accident and rendered physically handicapped and on that ground, he was relieved from service on 17.3.2006.

Aggrieved against the said order, the workman raised demand notice and accordingly the matter was referred to the Labour Court. Before the Labour Court, the workman pressed into service the provisions of

Section 47(1) of the Persons with Disabilities (Equal Opportunities, Protection of Right & Full Participation) Act, 1995 (for short “the Act”) and by taking the aid of aforementioned section, held that the person cannot be denied the employment and ought to have been adjusted by posting him on a suitable post, on which he could perform the duty with handicapness.

The learned counsel appearing on behalf of respondent No.1-workman submits that the award of the Labour Court is fair, legal and justified and no interference is warranted under Article 226 of the Constitution of India and, therefore, prays that the writ petition be dismissed.

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

It is a matter of record that there is no challenge to the aforementioned finding rendered by the Labour Court in the present writ petition. The language of Section 47 of the Act is clear. The Labour Court, while relying upon the provisions of Section 47 of the Act, has rightly set-aside the termination order of the workman and ordered for his reinstatement into service on a suitable post with continuity of service and full back wages. There is no perversity and illegality in the impugned award of the Labour Court.

The award of the Labour Court is accordingly upheld and the writ petition is dismissed.

May 05, 2015
ramesh

(AMIT RAWAL)
JUDGE