

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.18751 of 2015

Date of Decision: 14.12.2015

Ajay Thakur

... Petitioner

Versus

The Presiding Officer, Industrial
Tribunal and Labour Court, Union
Territory, Chandigarh and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Sushil Jain, Advocate,
for the petitioner.

1. To be referred to the Reporters or not? Yes
2. Whether the judgment should be reported in the Digest? Yes

RAJIV NARAIN RAINA, J.

The Presiding Officer, Labour Court, Union Territory, Chandigarh by award dated March 10, 2015 has granted reinstatement with 25% back wages to the petitioner. In the present petition, he states that he is not interested in reinstatement but claims only compensation as awarded by the Labour Court. The issue of reinstatement and back wages is inter-twined in the award of the Labour Court and the separation can legally take place only if the High Court modifies the award and grants compensation in lieu of reinstatement, but this has not happened in this case. Therefore, on first principles, the workman cannot claim back wages alone by withholding his labour by non-joining the post in terms of the award.

In these circumstances, Mr. Jain on instructions from his client,

submits that he may be permitted to withdraw this petition.

Dismissed as withdrawn.

(RAJIV NARAIN RAINA)
JUDGE

14.12.2015
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