

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CWP No. 23907 of 2013
Date of decision : April 28, 2015,

Naresh Kumar and another

..... Petitioners

Versus

**Presiding Officer Industrial Tribunal-cum- Labour Court, Rohtak
and others**

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Sandeep Singhal, Advocate
for the petitioners.

Mr. Hitesh Pandit, Additional Advocate
General, Haryana.

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?

Amit Rawal, J (Oral).

The challenge in the writ petition is to the order dated 9.4.2013 (Annexure P-5) whereby father of the petitioner was ordered to be reinstated with 50% back wages.

Learned counsel for the petitioners contends that despite there been an order, the Management though reinstated the father of the petitioner back into service but did not pay the back wages. During the interregnum father of the petitioner died. An application under Section 33-C of the Industrial Disputes Act, 1947 (Annexure P-1) was filed by the petitioners along with their mother

which has resulted into its decision on 9.4.2013 vide which the respondents have been directed to pay 50% back wages.

The contention of the learned counsel for the petitioners is that the Labour Court has not awarded interest as the petitioners have been harassed and compelled to approach this Court twice for seeking the same very relief.

Learned counsel for the State contends that the order dated 9.4.2013 passed by the Labour Court is fair, legal and justified and there is no provision for grant of any interest.

I have heard learned counsel appearing on behalf of the parties and perused the paper book.

It is a matter of record that the services of father of the petitioner were terminated which resulted into raising of reference which was decided in his favour vide order dated 9.9.2005 whereby his services were ordered to be reinstated with continuity of service and awarding of 50% back wages, despite that the Management was audacious not to grant back wages, compelled the legal representatives to move an application under Section 33-C(2) of the Industrial Disputes Act, 1947. Even that application was contested by the Management for almost seven years.

I am of the view that the petitioners have been unnecessarily harassed to claim the statutory relief which has already been awarded on 9.9.2005 and definitely they are entitled to damages which can only be granted in terms of interest. The order dated 9.4.2013 is modified. The Management is directed to pay interest at the rate of 9% per annum from the date of the award till

actual payment.

It is further directed that the direction given by the Labour Court to the Management for depositing 50% back wages in the F.D.R. is also modified and direction is issued to the Labour Court to release the amount of FDR in favour of the legal representatives of the deceased subject to furnishing their identification.

The writ petition is disposed of.

April 28, 2015
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(AMIT RAWAL)
JUDGE