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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA-1576-2014

Date of Decision : December 3rd, 2015

Sukhdev Raj

.... Appellant

Versus

Punjab State Civil Supplies Corporation and others

.... Respondents

**CORAM : HON'BLE MR. JUSTICE SATISH KUMAR MITTAL
HON'BLE MR. JUSTICE SHEKHER DHAWAN**

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

Present Mr. Punjeet Kumar Bansal, Advocate,
for the appellant.

Mr. Aman Chaudhary, Advocate,
for respondents No. 1 to 3.

SHEKHER DHAWAN, J.

Present intra-court appeal under Clause X of the Letters Patent has been filed by the appellant-workman against the order dated 19.5.2014 passed by learned Single Judge, whereby writ petition filed by Punjab State Civil Supplies Corporation and others, was partly allowed.

2. In the present case, Sukhdev Raj workman, [appellant] was employed as Watchman on 9.5.1984 and was drawing salary of Rs.1,000/- per month. His services were terminated on 31.7.1988. He had chosen not to agitate the said retrenchment and was re-employed on 12.7.2000. After his re-employment, the workman raised the industrial

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dispute and the matter was referred to the Labour Court on the plea that juniors to him had been retained after termination of his services and fresh appointments had been made and he had been re-employed in service in July, 2000.

3. The management opposed the claim of the workman on the ground that the retrenchment compensation was received by him on 13.7.1988 as the services of the workman had become surplus due to the shortage of goods in the godowns and he was re-employed as a result of settlement before the Labour Court. The Labour Court, Bathinda allowed the claim of the workman and granted the benefit of reinstatement with continuity in service and 50% back-wages to him vide award dated 5.1.2012.

4. The Management challenged the said award dated 5.1.2012 [Annexure P/3] by filing Civil Writ Petition No. 20228 of 2012 on the ground that the workman was not entitled to 50% backwages for the period, for which he did not agitate his rights. More so, he had not contributed to the management during the period from the year 1988 till the year 2000.

5. Learned Single Judge, vide impugned order dated 19.5.2014, while maintaining the award passed by the Labour Court regarding continuation of service of the workman, observed that he was not entitled to 50% back wages because he was not contributing to the Management during the period from the year 1988 till the year 2000 when he was re-employed after 12 years.

6. The Workman-Appellant has challenged the said order dated 19.5.2014 by way of the present appeal on the ground that he is entitled to back-wages as well.

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7. We have considered the submissions made by learned counsel for the parties and are of the view that learned Single Judge has already dealt with the matter in detail and most reasonable view has been taken. Originally, the workman had served the Management from 9.5.1984 till 31.7.1988. His services were terminated as he had become surplus due to shortage of goods in the godowns. However, he was re-employed after 12 years as per settlement. Learned Single Judge has rightly denied benefit of 50% backwages of the appellant-workman because the appellant had not contributed to the Management from the year 1988 till the year 2000 and he has already been compensated reasonably by allowing him continuation of service though, he worked for a period of about 3 years only. The order under challenge, passed by learned Single Judge, does not call for any interference by way of present appeal and as such, the present appeal stands dismissed being devoid of any merit.

(SATISH KUMAR MITTAL)
JUDGE

(SHEKHER DHAWAN)
JUDGE

December 3rd, 2015
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