

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

LPA-930-2015

Decided on : 28.09.2015

**Child Development Project Officer,
Mustfabad and others**

..... Appellants

VERSUS

Satinder Kumari and another

..... Respondents

CORAM: **HON'BLE MR. JUSTICE RAJIVE BHALLA**
 HON'BLE MS. JUSTICE REKHA MITTAL

Present: **Mr.Ravi Dutt Sharma, DAG, Haryana, for the appellants.**

Mr.Arvind Bansal, Advocate, for
Mr.K.C.Rajput, Advocate, for respondent No.1.

RAJIVE BHALLA, J. (ORAL)

The Child Development Project Officer, Mustfabad and others are before us, challenging order dated 11.03.2015, dismissing their writ petition and as a consequence, affirming the award dated 24.03.2014, passed by the Industrial Tribunal-cum-Labour Court, Ambala (hereinafter referred to as the “Labour Court”), directing reinstatement of respondent No.1 with continuity of service and 50% back-wages.

At the stage of preliminary hearing, the following order was passed on 12.08.2015: -

“We have heard counsel for the appellants and find no reason to interfere but issue notice in the application for condonation of delay as well as in the appeal for 14.9.2015 on the ground that reinstatement and payment of back-wages is not a necessary consequence of the setting aside of the order of termination.”

Counsel for respondent No.1 states on instructions from

respondent No.1 who is present in Court, that in case, respondent No.1 is reinstated in terms of the award passed by the Labour Court, she shall give up back-wages and shall join services in accordance with offer made to her vide letter dated 27.05.2015, addressed by the Women and Child Welfare Officer, Mustfabad District Yamuna Nagar.

Counsel for the appellants state that in view of statement made by respondent No.1, the appeal may be disposed of by modifying the order dismissing the writ petition and the award passed by the Labour Court.

We have heard counsel for the parties. A perusal of order dated 12.08.2015 reveals that contentions on merits were rejected but notice was issued only on the question of reinstatement and back-wages. In view of statements made on behalf of the parties and letter dated 27.05.2015, addressed by the Women and Child Welfare Officer, Mustfabad District Yamuna Nagar, we partly allow the appeal, modify the impugned order and the award by directing that respondent No.1 shall be reinstated with continuity in service forthwith, within one month from receipt of a certified copy of this order, but without any back-wages.

[RAJIVE BHALLA]
JUDGE

28.09.2015
shamsher

[REKHA MITTAL]
JUDGE