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CWP No. 757 of 1996

**PEPSU ROAD TRANSPORT CORPORATION PATIALA AND
ANOTHER
V/S
NIRMAL SINGH AND ANOTHER**

Present: None for the petitioner

Mr. Navdeep Singh Brar, Advocate for
Mr. Vikas Singh, Advocate
for respondent No.1.

* * * *

In the present writ petition, Pepsu Road Transport Corporation has challenged the award of the Labour Court dated 16.12.1994 partially allowing the reference in favour of workman-Nirmal Singh. The concluding portion of the award reads as under:

“In the result, I set aside the order Ext.M 5 of termination, dated 26th April, 1978 passed against the workman and order his reinstatement into service. The conduct of the workman too was not above board. He was required to join duty on 11th January, 1978 after the expiry of the sanctioned leave. He failed to do so despite issuance of two notices one by registered post and the other publication. Therefore, he shall not be paid any back wages nor increments from the date of his termination, but he will be entitled to continuity of service. He shall report for duty within two months from today.”

Learned counsel for the respondent has stated that when the writ petition was admitted there was no stay granted by the Admitting Bench. He states that pursuant to the award aforesaid the Workman (respondent No.1)

had rejoined the service on 9.8.1995 and has since retired. The workman had not challenged the Labour Court award which had partially allowed his prayer. Since the respondent-workman has been given all the benefits pursuant to the award dated 16.12.1994 referred to above, and has since retired, according to us, the writ petition has been rendered infructuous and the same is disposed of as such. However, liberty is given to the petitioner that in case, circumstances so exist, they may move an application, in accordance with law, for reviving the case.

Copy of the order be given to learned counsel/parties.

(R.S.Mongia)
President

(Arvind Kumar)
Member

16.09.2016
Janki