

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.19414 of 2011

Date of Decision:- 28.4.2016.

The Divisional Forest Officer (Territorial), Bhiwani etc.

.....Petitioners

Versus

Sh. Balwan Singh @ Balbir Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

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?

Present: Mr. R.K. Makkad, DAG, Haryana.

Mr. S.K. Verma, Advocate for respondent No.1.

P.B. BAJANTHRI, J.

1.) In this petition, the petitioners have questioned the validity of the Award dated 6.2.2008 by which the respondent-workman is entitled to be reinstated on his previous post with continuity of service and 50 % back wages from the date of demand notice, namely, w.e.f. 12.11.2000 while holding that the workman-respondent's termination is illegal. On 17.10.2012, while ordering notice of motion, payment of back wages has been stayed. The learned counsel for the petitioner submitted that Labour Court order did not consider the service rendered by the workman. He has joined on 1.11.1995 and his

services were terminated on 22.2.1998 and the demand notice was issued on 12.11.2000. Therefore, the petitioner is not entitled for reinstatement and consequential benefits. It was further pointed out that Labour Court has drawn adverse inference in Para 9 against the Management in the absence of record. On the other hand, the learned counsel for the workman-respondent submitted that reading of the Award dated 6.2.2008, there is no infirmity and Para 9 which is in his favour. Therefore, rightly, the Labour Court has held that termination of the workman is illegal and he is entitled to be reinstated with continuity of service with 50 % back wages.

2.) Heard learned counsel for the parties.

3.) The petitioner has not made out a case so as to interfere with the order of Labour Court dated 6.2.2008. Since the petitioner has been taken back to duty pursuant to the Award dated 6.2.2008 read with notice of motion dated 17.10.2011.

4.) The writ petition is, accordingly, dismissed. The petitioners are directed to release back wages of 50% to the workman-first respondent within four months.

(P.B. BAJANTHRI)
JUDGE

April 28, 2016.

sandeep sethi