

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

(238)

CWP No. 18344 of 2013

Date of Decision: 16.09.2016

(1) Munshi Ram

.....Petitioner(s)

Versus

Presiding Labour Court Hisar and Another

.....Respondent(s)

CWP No. 18348 of 2013

Date of Decision: 16.09.2016

(2) Sham Lal

.....Petitioner(s)

Versus

Presiding Labour Court Hisar and Another

.....Respondent(s)

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

**Present: -** Mr. Rakesh Nagpal, Advocate  
for the petitioners.

Mr. Keshav Gupta, AAG, Haryana.

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**P.B. BAJANTHRI, J. (Oral)**

CWP Nos. 18344 and 18348 of 2013 are being disposed of by this common order. For the purpose of facts of the case, CWP No. 18344 of 2013 is taken. The petitioners were appointed as daily wager in the year 1986. His services were terminated on 20.05.2005. Feeling aggrieved by the termination he sought a reference. The reference was decided by the Labour Court on 25.07.2011

vide Annexure P-6. The Labour Court directed reinstatement of the petitioners while declining other relief. Feeling aggrieved by the award, the present petition has been filed.

Learned counsel for the petitioners submitted that the petitioners are entitled for back wages. In support of the back wages claim, he cited two decisions of this Court namely CWP No. 6757 of 2012 disposed on 21.03.2013 titled as “Smt. Chinti Devi Vs. Presiding Officer Industrial Tribunal-cum-Labour Court, District Panipat and Another” and reported decision in 2001 (4) S.C.T. 261 titled as “Director of Extension, CCS, HAU, Hissar Vs. Rattan Singh”, wherein this Court has granted back wages in the above cases.

On the other hand, learned counsel for the respondents resisted the claim of the petitioners while pointing out the Labour Court award in particularly Para 13 which reads as under: -

*“The next question which arises for determination is that to what relief the applicant is entitled to for violation of provisions contained in Section 25-H of the Act. To seek the protection of said section as stated above, no length of service is required. Therefore, the applicant is entitled to relief of reinstatement. Since no evidence has been led by the applicant to prove as to when other persons were employed in his place without affording him an opportunity of re-employment, he is entitled to back wages. This issue is answered accordingly.”*

It was submitted that in view of the above finding petitioners are not entitled for the back wages. The Labour Court has rightly refuse to grant any other relief other than reinstatement.

The short question for consideration is whether the petitioners are entitled for back wages or not. The learned counsel for the petitioners relied on two decisions of this Court, wherein the facts of the case are entirely different from the present case, for the reasons that the petitioners have not pointed out to claim back wages as well as reinstatement under Section 25-H i.e., who are the other persons who have been appointed and continued in services subsequent to the termination of the petitioners, read with Para 13 of the award (supra). The petitioners failed to produce any evidence to prove as to who are the other persons who are employed in their place, so as to claim back wages. Thus the petitioners have not made out a case so as to claim back wages. There is no infirmity in the award passed by the Labour Court on 25.07.2011 in so far as denial of other than reinstatement.

**(P.B. BAJANTHRI)**  
**JUDGE**

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|---------------------------|--------|
| Whether Speaking/Reasons: | Yes/No |
| Whether Reportable:       | Yes/No |