

204

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

**LPA No.1209 of 2015 (O&M)**

**Date of decision: May 04, 2016**

District Public Relations Officer, Fatehabad

.....Appellant

Versus

Vinod Devi and another

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURYA KANT  
HON'BLE MR. JUSTICE A.B. CHAUDHARI**

**Present:** Ms. Kirti Singh, DAG Haryana.

Mr. R.S. Chahal, Advocate  
for respondent No.1.

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?

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**SURYA KANT, J. (Oral)**

This Letters Patent Appeal is directed by against the order dated 07.03.2015 whereby the learned Single Judge allowed the writ petitions and has modified the award passed by the Labour Court with a direction that the first respondent be reinstated in service with continuity of service and full back-wages.

It may be mentioned here that the respondent-workman was employed as a part-time Sweeper on 01.01.1989 and she was allegedly retrenched in the year 2008 without complying with the Section 25F of the Industrial Disputes Act, 1947. She raised an industrial

dispute which was partly allowed by the learned Labour Court with lumpsum compensation of ₹1,05,000/-. Aggrieved workman approached this Court and the learned Single judge vide order under appeal has allowed the writ petition directing her reinstatement with continuity of service and full back-wages.

On 19.08.2015, this Court had stayed the operation of the order passed by learned Single Judge. Thereafter, when the case came up for hearing on 15.02.2016, following order was passed:-

*“Keeping in view the fact that the workman-respondent No.1 has worked as a part-time sweeper from January, 1989 to December, 2007 and she had to remain absent from duty for a short duration as maternity leave was not sanctioned, let learned State counsel have instructions whether the workman can be reinstated/adjusted subject to her foregoing the claim for back wages fully or partially.*

*List on 8.3.2016.”*

Learned State counsel has handed over a communication received from the appellant-Department to the effect that a sum of ₹1,25,461/- has already been paid to the first respondent. The officers of the Department are present who have further instructed the learned State counsel to inform that the respondent can be adjusted as Sweeper on part-time basis.

In view of the matter, we dispose of this appeal

modifying the order of the learned Single Judge to the extent that whatever has been paid to the first respondent need not to be recovered and said payment shall be taken to be full and final payment in terms of the order passed by learned Single Judge. The first respondent, however, may be adjusted on part-time basis whereupon she will be entitled to the benefit of continuity in service, but as a part-time employee only. The needful be done within a period of two months from the date of receipt of certified copy of this order.

**[SURYA KANT]  
JUDGE**

**[A.B. CHAUDHARI]  
JUDGE**

**May 04, 2016**  
mahavir