

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA No. 1493 of 2015 (O&M)

Date of decision: 25.4.2016

The Child Development Project Officer

.. Appellant

v.

Smt. Dhano and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Ankur Mittal, Addl. Advocate General, Haryana.

Mr. Sandeep Singal, Advocate for respondent No. 1.

...

Rajesh Bindal J.

Aggrieved against the order passed by the learned Single Judge upholding the award of the Labour Court, the appellant has filed the present intra-court appeal.

Respondent No. 1 was working as helper to Auxiliary Nurse Midwife in ICDS Scheme. She was being paid monthly honorarium of ₹ 75/-. As per the stand taken by learned counsel for the appellant, respondent No. 1 used to work only on Wednesday in every week. The learned Single Judge opining that even if respondent No. 1 had attained the age of 60 years, she can still continue to work upheld the award of the Labour Court directing reinstatement of respondent No. 1 with 50% back wages from the date of demand notice, i.e., 31.3.2008. It was further submitted by learned counsel for the appellant that from April, 2010, respondent No. 1 is getting old age pension, which was initially @ ₹ 1,000/- per month, which was revised to ₹ 1,200/- per month from January, 2015 and @ ₹ 1,400/- per

month w.e.f. January, 2016.

Considering the aforesaid factual matrix and the fact that the amount of back wages directed to be paid by the Labour Court, as upheld by the learned Single Judge, would be a meager amount of ₹ 3,000/- to ₹ 4,000/-, we do not find any reason to interfere in that part of the order. However, as far as reinstatement is concerned, in our opinion, respondent No. 1 will not be benefitted with that considering the meager amount of ₹ 75/- per month, she would get in case re-employed, whereas on account of old age pension, she is presently getting ₹ 1,400/- per month.

Accordingly, the order passed by the learned Single Judge is modified to the extent that the appellant shall be liable to back wages, as directed by the Labour Court, however the direction regarding reinstatement in service is set aside.

The appeal is disposed of accordingly.

(Rajesh Bindal)
Judge

(Harinder Singh Sidhu)
Judge

25.4.2016
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