

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

CWP No.12354 of 2002 (O&M)

Date of Decision:27.09.2017

General Manager, Haryana Roadways, Hisar

... Petitioner

Vs.

Bhiru Ram and others

... Respondents

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

Present : Mr. Samarth Sagar, Addl. A.G. Haryana.

Mr. Abhinav Kalia, Advocate for respondent No.1.

P.B. BAJANTHRI J. (Oral)

In the instant writ petition, petitioner has challenged the award passed by the Labour Court dated 7.3.2002 (Annexure P-18).

Respondent No.1 while working as a conductor was subjected to disciplinary proceedings on the allegations of embezzlement of Rs.72/- in the year 1992-93. Inquiry was held ex parte. Consequently, an order of termination was passed on 24.8.1993. Respondent No.1 raised industrial dispute. Labour Court proceeded to pass award in favour of respondent No.1 while directing the petitioner to reinstate respondent No.1 with full back wages; continuity of service and all consequential service benefits. During pendency of this petition, pursuant to the award passed by the Labour Court, petitioner reinstated respondent No.1 on 23.1.2003.

Faced with these factual aspects, whether respondent No.1 is entitled to full back wages or not is the only issue left for consideration.

Perusal of the Labour Court award, it is evident that on technicality, order of termination is set aside to the extent that respondent No.1 has not been heard in the inquiry. Therefore, respondent No.1 is not entitled for full back wages.

Accordingly, award of the Labour Court dated 7.3.2002 is modified to the extent that respondent is entitled to 75% of back wages instead of full back wages. Petitioner is hereby directed to calculate 75% back wages and disburse the same to the respondent No.1 and further service benefits which are due to respondent No.1 be extended within a period of four months from today.

With the above observation, petition stands disposed of.

27.09.2017
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**