

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-12554-1996 (O&M)

Date of Decision:-15.09.2017.

Kegg Farms Pvt. Ltd.

.....Petitioner

Versus

Presiding Officer, Industrial Dispute-cum Labour Court, Gurgaon and
another

.....Respondents

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

Present: Mr. Harsh Aggarwal, Advocate for the petitioner.

Mr. Gaurav Tyagi, Advocate for respondent No.2.

P.B. BAJANTHRI, J. (Oral)

In the instant writ petition, petitioners have challenged the validity of the award dated 01.03.1996 (Annexure P-3).

Respondent-workman is stated to have joined petitioner-Management in the month of September, 1985 and his services were dispensed on 11.03.1987. He raised an industrial dispute and it was decided in his favour on 01.03.1996 to the extent of reinstating with 50% back wages from the date of demand notice. On perusal of the records, it is evident that petitioner-Management have made every effort to take the petitioner back to duty. However, there is a misunderstanding between the Management and the respondent-workman. Therefore, reinstatement of the respondent-workman was not materialized. In fact on 04.09.2017, this

Court made an effort asking the respondent-workman to report for duty. Accordingly, he has reported for duty. In this regard, learned counsel for the respondent-workman submits that respondent-workman has not been assigned any duties despite reporting for duty. On the other hand, learned counsel for the petitioner submitted that there is no work to assign to the respondent-workman, therefore, question of assigning duty do not arise. In view of these factual aspects, it is better to give quietus to the litigation by awarding compensation to the respondent-workman. Since the respondent-workman has rendered for about 1 year and few months of service, therefore, the petitioners are hereby directed to pay compensation of ₹ 1,50,000/- to the respondent-workman within a period of 3 months from today, failing which, the respondent-workman is entitled to interest @ 6% per annum. To the above extent, Labour Court award dated 01.03.1996 is modified.

Accordingly, writ petition stands allowed in part.

(P.B. BAJANTHRI)
JUDGE

September 15, 2017.

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Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.