

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

**CWP No. 13034 of 1999 (O&M)**

Date of Decision: 2.6.2017

Punjab National Bank through its Manager, Loharu Road, Bhiwani

...Petitioner

Versus

Presiding Officer, Central Government Industrial Tribunal-cum-Labour  
Court, Chandigarh and another

...Respondents

**CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA**

Present: Mr.B.S.Bhatia, Advocate for the petitioner

Mr.Mani Ram Verma, Advocate for respondent no.2

**RAJIV NARAIN RAINA, J. (Oral)**

1. The date of birth of the respondent-workman is 1<sup>st</sup> January, 1957 as per entry in the Aadhar Card of the respondent-workman. The retirement age in the Bank is 60 years. The respondent-workman turned 60 years on 1<sup>st</sup> January, 2017 and has thus ceased to be a workman on reaching the age of superannuation within the framework of the Industrial Disputes Act, 1947. The Bank is no longer liable to pay last drawn wages. However, the amount of last drawn wages paid after 1<sup>st</sup> January, 2017 shall not be recovered. Photocopy of the Aadhar Card and proof of up-to-date payment are retained on record as Mark "A" and "B".

2. The period of employment is from 4<sup>th</sup> June, 1986 to 30<sup>th</sup> July, 1988 i.e. about two years and one month. Last drawn wages have been paid to the respondent-workman operating since the date of stay order i.e. w.e.f. February, 2001 @ ₹ 950 per month. The payments made

towards dues under Section 17-B of the Act are substantial and would offset any compensation contemplated at this stage. Therefore, I am inclined to think that the amount of last pay drawn over a period of 17 years @ ₹ 950 per month [=₹1,93,800 approx] is substantial recompense for the brief service rendered as Driver for two years and one month and accordingly, I find no ground to grant any relief to the respondent-workman without going in in details of this case. Needless to add that reinstatement is not possible and in any case reinstatement is not automatic. This principle has been settled in long chain of judgments including in Asst. Engineer, Rajasthan Dev. Corp. & Anr. vs. Gitam Singh, (2013) 5 SCC 136.

3. For the foregoing reasons, the award dated 23<sup>rd</sup> November, 1998 passed by the Labour Court is modified to the relief indicated in this order as equivalent to deemed adequate and reasonable compensation. This petition is disposed of accordingly.

2.6.2017  
MFK

(RAJIV NARAIN RAINA)  
JUDGE

*Whether speaking/reasoned*

*Yes*

*Whether Reportable*

*No*