

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

CWP No. 17097 of 1996
Date of Decision: 20.2.2017

Union of India and others

... Petitioners

Versus

Ram Kishore and another

... Respondents

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

Present: None for the petitioner

Mr.N.P.Mittal, Advocate for respondent no.1

RAJIV NARAIN RAINA, J. (Oral)

1. This petition has been filed by the Union of India through what is presently known as BSNL challenging the award (Annex. P-3) passed by the Central Government Industrial Tribunal, Chandigarh in Industrial Ref. No.205/89.

2. The dispute relates to termination/retrenchment of the respondent caused in March, 1988. The learned Tribunal declared the termination illegal for violation of Section 25-F of the Industrial Disputes Act, 1947. Reinstatement to service was ordered with full back-wages and all consequential benefits by the award passed in 1993. The writ petition was filed after considerable delay in 1996. Notice of motion was issued on 4th November, 1996 by the Division Bench and notice re: stay was remitted to learned Single Bench.

3. When the matter came up for hearing on 21st January, 1997, the counsel for the respondent-workman stated that his client has been

reinstated after the pronouncement of the award and he has been paid 50 per cent back-wages. In the facts and circumstances of the case, this court found no ground for grant of stay of the remaining 50% back-wages. The result was that the award had to be implemented in letter and spirit. This turning point interlocutory order was passed on 21st January, 1997 which holds ground still.

4. The matter remained pending before the Lok Adalat but no one appeared before it on any of the three dates granted by the Lok Adalat. Ultimately, the effort made by the Lok Adalat to settle the matter has failed and that is how the matter has been placed for hearing before me. Even today none appears on behalf of the petitioner-Union of India to press this petition. Two decades have flown by. This Court is left with no option but to dispose of this petition after hearing learned counsel for the respondent-workman on merits.

5. The learned Tribunal has ordered reinstatement with back-wages and all consequential benefits. This direction is in recognition and application of the law in Hindustan Tin Works Pvt. Ltd. v. Employees of Hindustan Tin Works Pvt. Ltd., (1979) 2 SCC 80, and in today's terms consistent with the declaration of law in Harjinder Singh vs. Punjab State Warehousing Corporation, (2010) 3 SCC 192, Anoop Sharma vs. Executive Engineer, Public Health Division No.1, Panipat (Haryana), 2010 (3) SLR 663 and Devinder Singh vs. Municipal Council, Sanaur, (2011) 6 SCC 584 and there is nothing unexceptionable in the work of the Tribunal even when it was rendered.

6. There is no error apparent on the face of the record and or anything remiss in the conclusion reached by the learned Tribunal which is

after appreciating evidence on record is not open to be tinkered with or substituted with another opinion of court acting under Article 226.

7. For the foregoing reasons, this petition fails and is dismissed.

20.2.2017
MFK

(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No