

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

**CWP No.18110 of 1997
Date of decision: 22.03.2017**

Punjab State Civil Supplies Corp. Ltd. ... Petitioner

Vs.

Bawa Ram & another ... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

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

Ms. Manpreet Ghuman, Advocate for
Mr. Prateek Mahajan, Advocate
for respondent No.1.

RAJIV NARAIN RAINA, J. (ORAL)

On 13.02.2017, this Court passed the following order:

“The Labour Court, Gurdaspur has reinstated the respondent workman with continuity of service but without back wages. Services were terminated in 1987 while demand notice was served in December 1991 after over four years and this appears to be the reason why back wages have been denied for a total service period of approximately six years. Accordingly, the workman should get nothing prior to December 1991 if relief has to be moulded. The period which remains for consideration is about two years since the respondent was appointed some time in 1981/1982. The award was stayed by this Court on the first date of hearing i.e. 08.12.1997 subject to provisions of Section 17-B of the

Industrial Disputes Act, 1947. The last drawn wages were paid to the respondent-workman under Section 17-B till 31.03.2010. He has crossed the maximum age of employment during the pendency of this petition. The wages drawn under Section 17-B will remain irrecoverable.

However, in order to do substantial justice and to avoid miscarriage of it, the petitioner-PUNSUP would consider payment of compensation in lieu of reinstatement ordered by the Labour Court on the ground that no one should take the benefit of an interim order. Therefore, this Court proposes that the respondent-workman should be compensated by PUNSUP in an amount of Rs.2 lacs and, therefore, PUNSUP is put to notice as to why this amount should not be awarded to bring an end to the dispute.

This dispensation would be in the light of the compensation packages granted by the Supreme Court in BSNL v. Man Singh, (2012) 1 SCC 558 and the Division Bench of this Court in Municipal Council, Dina Nagar v. Presiding Officer, Labour Court, Gurdaspur, (2015) 1 RSJ 765.

*Mr. Aggarwal to take instructions from PUNSUP.
List on 22.02.2017.”*

Mr. Anant Sharma, Manager, PUNSUP is present in Court to make statement on behalf of the Corporation.

I am happy to note that the two decade old matter has been compromised between the parties for a sum of ₹ 2 lakhs to be paid to the respondent workman as just and adequate compensation in lieu of

reinstatement and in satisfaction of all claims.

Both the learned counsel agree that the file may be closed.

In view of the statement made today, the present petition is partly allowed and the award dated 26.03.1997 is modified as per out of court settlement. Right to consideration of reinstatement to service is waived. It may be recorded that back wages were not awarded by the labour Court and that part is affirmed. With the above modification, the file is closed and consigned to the record room.

22.03.2017

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[RAJIV NARAIN RAINA]
JUDGE

1. Whether speaking/reasoned:

Yes

2. Whether Reportable:

No