

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

Date of decision: 07.03.2017

CWP No.3320 of 1996

Board of School Education Haryana, Bhiwani

...Petitioner

Vs.

The Presiding Officer, Industrial Tribunal -cum-
Labour Court, Hisar & another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. D.K.Khanna, Advocate,
for the petitioner.

Mr. Balraj Gujjar, Advocate,
for respondent No.2.

RAJIV NARAIN RAINA, J. (ORAL)

By the motion order dated 06.03.1996, the operation of the impugned Award made by the Presiding Officer, Labour Court, Hisar on 05.04.1994 was stayed qua back-wages alone. Since reinstatement was not stayed, the workman ought to have been taken back in service in implementation of the part of the award. The stay has continued to operate till today, when the matter is taken up for final disposal. With regard to the back-wages, the Labour Court found that the termination took place on 03.03.1985 while the dispute was raised by serving a demand notice on the Board on 24.08.1988. There was no satisfactory explanation for this inordinate delay, and the labour court has taken this aspect into consideration and excluded the period towards entitlement to arrears of wages. I am told that the respondent was taken back in service in 1996 and still works for the management. The Labour Court has balanced the equities in a fair and just manner and I would see no reason to interfere with the

Award when I find no error apparent on the face of the record or adopting perverse reasoning in granting the relief claimed in the reference. Accordingly, the writ petition is hereby dismissed and the stay order is vacated.

07.03.2017
Vimal

[RAJIV NARAIN RAINA]
JUDGE

Whether speaking/reasoned: *Yes*

Whether Reportable: *No*