

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

CWP No.2945 of 1999

Date of Decision:03.11.2017

Land Scape Officer

... Petitioner

Vs.

Kanchan Sharma and others

... Respondents

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

Present : Mr. Saurabh Gulia, Advocate for the petitioner.

Mr. Mani Ram Verma, Advocate for respondent No.1.

P.B. BAJANTHRI J. (Oral)

In the instant petition, petitioner has challenged the award passed by the Labour Court dated 07.08.1998.

Respondent No.1 is stated to have been appointed as Steno-Typist with the petitioner during the period from November 1987 to 31.01.1992. In the month of February 1992, she left the job and joined K.L. Arya D.A.V. Public School, Hisar. Thereafter, once again respondent No.1 submitted representation to the petitioner. Accordingly, respondent No.1 is taken back to duty and she has worked upto 9.8.1995 the date on which petitioner once again terminated her service on 9.8.1995. Termination of respondent No.1 was subject matter of litigation before the Labour Court. Labour Court proceeded to pass the award in favour of respondent No.1 to the extent that she is entitled for full back wages for the period from 1.2.1992 to 10.2.1992 and from 26.11.1994 and 30.11.1996. Hence, the present petition by the petitioner.

Learned counsel for the petitioner submitted that respondent No.1 has given an undertaking that she will not claim any benefit for the period from 31.2.1992 till fresh appointment on 24.1.1995. It was further

submitted that respondent No.1-workman has joined Guru Jambheshwar University on 19.12.1995. Therefore, Labour Court exceeded its jurisdiction in extending the benefit of full back wages for the period from 1.2.1992 to 10.2.1992 and from 26.11.1994 and 30.11.1996.

Per contra, learned counsel for respondent No.1 submitted that even though respondent No.1 has given a statement that she will not claim any benefit for the past period from 1.2.1992 to 10.2.1992. However, having regard to the finding given by the Labour Court, respondent No.1 is entitled. It was also submitted that with reference to out of service period from 26.11.1994 to 30.11.1996, respondent No.1 is entitled for full back wages. Therefore, there is no infirmity in the award passed by the Labour Court dated 7.8.1998.

Heard learned counsel for the parties.

Undisputed facts are that respondent No.1-workman worked with the petitioner during the period from November 1987 to 31.01.1992. Respondent No.1 has not challenged the order of termination and that apart she has joined K.L. Arya D.A.V. Public School, Hisar on 11.2.1992. Further based on respondent No.1-workman's representation, petitioner issued fresh appointment to her on 24.01.1995 and her services were terminated once again on 9.8.1995. Second termination of respondent No.1-workman dated 9.8.1995 was subject matter of Industrial Dispute. Therefore, Labour Court exceeded its jurisdiction in extending full back wages from 1.2.1992 to 10.2.1992 and from 26.11.1994 to 30.11.1996. Respondent No.1 is entitled to full back wages only for the period from 9.8.1995 to 19.12.1995 i.e. intervening period from the date of second termination and joining Guru Jambheshwar University. To that extent, award passed by the Labour Court

dated 7.8.1998 is modified and respondent No.1-workman is entitled to full back wages for the period from 9.8.1995 to 19.12.1995. Petitioner is hereby directed to calculate and disburse full wages for the aforesaid period within a period of four months from today. Failing which respondent No.1-workman would be entitled to interest @ 6% per annum from today.

Writ petition is disposed of accordingly.

03.11.2017
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**