

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

CWP No.990 of 1996 (O&M)
Date of Decision: 26.5.2017

Faridabad Complex Administration, Faridabad Now Municipal Corporation

...Petitioner

Versus

Mahavir (through Lrs Birwati and others) and another

...Respondents

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

Present: Mr.Manoj Sood, Advocate for the petitioner

None for the respondents

...

RAJIV NARAIN RAINA, J. (Oral)

Mr.Manoj Sood, learned counsel for the petitioner has produced a communication received by him through email from the Legal Cell, Municipal Corporation, Faridabad informing that the deceased workman was taken back on duty w.e.f. 31st August, 1995 in implementation of the impugned award dated 16th September, 1994. He was reinstated in service, subject to the outcome of the writ petition. The operation of the impugned award was stayed on 19th January, 1996, but despite that the deceased workman was retained thereafter. He died on 22nd January, 2002. His L.Rs have been brought on record vide order dated 30.1.2003.

The communication is retained on record as Mark "A".

As far as reinstatement is concerned, the prayer is rendered infructuous on account of reinstatement and subsequent death. Since there is non-disclosure of these supervening facts in the petition, I find no perversity or fundamental flaw in the impugned

award and uphold the award. The writ petition stands dismissed. The 50% backwages awarded by the Labour Court-II, Faridabad shall be paid to the L.Rs of deceased Mahavir within three months from the date of receipt of a certified copy of this order. Otherwise, it will carry interest @ 9% per annum till its realization.

26.5.2017
MFK

(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No