

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.3051 of 2004

Date of Decision: 10.05.2017

State of Haryana

... Petitioner

Versus

Baljit Singh (Since deceased) through LRs

... Respondents

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

Present: Mr. Saurabh Girdhar, AAG, Haryana,
for the petitioner.

Mr. Dharamveer Phour, Advocate,
for respondent No.1.

RAJIV NARAIN RAINA, J.(Oral)

1. The respondent died lis pendens. His LRs were substituted by order of court and claim monetary benefits as the right to sue survives.

2. The Labour Court has set aside the termination as illegal and awarded reinstatement with continuity of service with full back-wages for documented service of only about 8 months which is rather brief.

3. By the motion order, this Court stayed only the back wages but not the reinstatement. As a result of the direction the workman was taken back in service in 2004 and died in harness in 2014. In the circumstances, to my mind the interim stay order has brought sufficient relief to late Baljit Singh of monthly salary for himself and his family, presently LRs for a decade and any further relief would not be justified for the brief period of service of no more than 8 months in this matter pending final hearing since 2004. To start with, this was not a case at all for reinstatement as the law

developed by the Supreme Court informs even when the impugned award

indicates that even though termination is illegal but reinstatement to service will not follow automatically, nor should, in the facts and circumstances of the case.

4. Since the petitioner was reinstated to service on pain of contempt, the *fait accompli* created by the interim order is made absolute with hardly any option left at this distance of time to meaningfully consider any other or extra relief. Hence, the dispute is put to an end with no give and take and the petition is accordingly disposed of. The award which gives reinstatement with continuity of service and full back wages stands modified to yield no fruit other than what was earned by labour.

10.05.2017
monika

(RAJIV NARAIN RAINA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>