

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CM No.6715 of 2016 in/and
CWP No.14175 of 2003
Date of Decision: 17.04.2017**

Rajinder Parshad

... Petitioner

Versus

Presiding Officer, Labour Court,
Bhatinda and others

... Respondents

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

Present: Mr. Nitin Narula, Advocate,
for the applicant-petitioner.

Mr. A.P.S. Mann, Advocate,
for respondents No.2 & 3.

RAJIV NARAIN RAINA, J.(Oral)

1. This is an early hearing application praying for expeditious disposal of the writ petition.
2. By consent, the main case is taken up on Board for final disposal today itself and after hearing Mr. Narula, learned counsel for the workman and Mr. Mann for the Markfed the following order is passed.
3. I find that no reason has been assigned whatsoever in the impugned award passed by the Presiding Officer, Labour Court, Bathinda dated November 21, 2000 to deny back wages.
4. This petition has been filed by the workman claiming full back wages. Discretion to award back wages lies in the Labour Court which has the discretion and vested power to reasonably exercise and record reasons why a valuable relief has been denied, in whole or in part. The heart of the judicial process is to supply reasons in arriving at conclusions otherwise judicial review is impossible. In the absence of any such work done by the

Labour Court in the impugned award this Court is left with hardly any option but to remand the case to the Presiding Officer, Labour Court, Bathinda to examine the issue as to relief of back wages, if they are to be granted or denied in whole or in part.

5. No opinion is expressed on the merits of the moot point by this Court least either of the parties case is prejudiced in remand. The remand is open only to determine the issue of back wages without allowing parties to adduce further evidence except to base conclusions on the material available on record but the remand proceedings will not touch reinstatement and continuity which findings have attained finality because the writ petition filed by the respondent-Markfed against the order stands dismissed by the Division Bench of this Court in CWP No.13507 of 2001, *The Punjab State Cooperative & Marketing Federation Ltd. v. Presiding Officer, Labour Court, Bhatinda and another* on September 04, 2001. The fresh award be made within three months from the date of appearance of the parties.

6. Parties to appear before the learned Labour Court, Bathinda on May 15, 2017. Records, if any, be sent back.

7. The back wages part is set aside to admit fresh award in remand as per directions above.

8. The petition stands disposed of.

(RAJIV NARAIN RAINA)
JUDGE

17.04.2017

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Whether speaking/reasoned

Yes

Whether reportable

No