

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

1420

**CWP-3464-2007 (O&M)
Date of decision:07.09.2017**

Superintending Engineer, PWD B& R, Jind and another

....Petitioners

Versus

Bhagwan Dass and another

.... Respondents

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

Present: Mr. Siddharth Sanwaria, DAG, Haryana.

Mr. Raman B. Garg, Advocate for the respondents.

P.B. BAJANTHRI, J. (ORAL)

In the instant writ petition, the petitioners have challenged the validity of the award dated 11.08.2005 (Annexure P-4).

2. Respondent No.1-workman is stated to have appointed as a Driver in the year 1995 and his services were terminated on 23.07.1996. Thereafter, award passed in favour of the respondent-workman on 05.09.2000. He was taken back to duty on 19.07.2001. Once again his services were terminated on 26.07.2002. The labour court has passed award that respondent-workman is entitled to reinstatement with continuity of service with 50% back wages. The petitioners have implemented the award insofar as reinstating the petitioner. Therefore, question remains is only

whether respondent-workman is entitled to 50% back wages or not? Learned counsel for the petitioner submitted that respondent-workman is not entitled for 50% back wages since he has not worked. That apart his services were terminated after due notice on 28.06.2002. Therefore, there is no infirmity in the order of termination. Consequently, respondent-workman is not entitled for 50% back wages.

3. Per contra, learned counsel for the respondent-workman submitted that the Labour Court has not awarded full back wages. What has been awarded is 50% back wages which is reasonable. It was submitted that respondent-workman services were terminated on 26.07.2002 and the award is dated 11.08.2005 there would not be a much burden on the petitioner in respect of extending the benefit of 50% back wages from 2002 to 2005. Thus, petitioner's have not made out a case so as to interfere with the award passed by the labour court dated 11.08.2005.

4. Heard learned counsel for the parties.

5. Crux of the matter in the present petition is whether the respondent-workman is entitled to 50% back wages or not? In view of the fact that before filing of the writ petition the respondent-workman has been taken back to duty pursuant to the award passed by the Labour court. Passing award of 50% back wages to the respondent-workman is reasonable for the reasons that his services were terminated on two occasions. On earlier occasion also petitioner's termination was subject matter of a litigation and it was ordered in favour of the respondent-workman. Moreover, payment of 50% of back wages only for a short period from

August, 2002 to 11.08.2005 is reasonable. Hence the petitioners have not made out a case so as to interfere with the award dated 11.08.2005.

Accordingly, CWP stands dismissed.

07.09.2017
pooja saini

(P.B.BAJANTHRI)
JUDGE

Whether speaking/reasons	Yes/No
Whether Reportable:	Yes/No