

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

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**CWP-12475-2013 (O&M)
Date of decision: 18.07.2017**

Ram Phal

....Petitioner

Versus

Presiding Officer, Industrial Tribunal -cum-Labour Court, Hissar and others

.... Respondents

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

Present: Mr. Ishar Bhardwaj, Advocate for the petitioner.

Mr. J.S.Bedi, AAG, Haryana.

P.B. BAJANTHRI, J. (ORAL)

In the instant writ petition, petitioner has assailed award passed by the Labour Court dated 04.01.2012. Petitioner is stated to have been appointed as Chowkidar by the then Inspector Food and Supplies Department at Jakhal on 15.10.1997.

2. Learned counsel for the petitioner submitted that petitioner is entitled for backwages in view of the findings given by the Labour Court in para 16 to the extent that there is violation of Section 25-H of the I.D.Act.

3. Per contra, learned counsel for the respondents pointed out from para 14 of the Labour Court award to the extent that petitioner has not served respondents for entire period from 15.10.1997 to 19.12.2002. There is break in service in each year. It was also submitted that in the year 1998, petitioner has not served a single day. Therefore, petitioner is not entitled

for back wages. No interference is called insofar as award passed by the Labour Court dated 04.01.2012 to the extent of not entitled to back wages for the period petitioner remained out of service.

4. Heard learned counsel for the parties.

5. Undisputedly, petitioner has not rendered complete service during the period from 15.10.1997 to 19.12.2002 as is evident from para 14 of the Award. Petitioner had worked from 14 days to 175 days during the period from 1997 to 2002. Moreover, in the year 1998 he has not even worked for a single day. In view of these facts and circumstances and conduct of the petitioner, he is not entitled for back wages. Petitioner has not made out a case so as to modify Labour Court award dated 04.01.2012 to the extent that petitioner is entitled for back wages. Accordingly, CWP stands dismissed.

18.07.2017

pooja saini

**(P.B.BAJANTHRI)
JUDGE**

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No