

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

CWP-11220-2015

Date of Decision: August 18, 2017

M/s Jyoti Appreal

.....Petitioner(s)

Versus

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

....Respondent(s)

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

Present : Mr. Rajiv Sharma, Advocate
 for the petitioner(s).

 Mr. Rakesh Dhiman, Advocate
 for respondent No.2-Workman.

P.B. BAJANTHRI, J. (ORAL)

In the instant petition the petitioner has challenged the award dated 16.02.2015 passed by the Labour Court. Respondent No.2-workman was appointed as a Line Supervisor in the month of June, 2005 and his services were terminated on 11.06.2009. The workman served a demand notice on 12.06.2009. Having regard to the factual aspects, there is a violation of Section 25 of Industrial Disputes Act. The Labour Court passed award reinstating the respondent with 40% back wages w.e.f. 11.06.2009. Feeling aggrieved by the award passed by the Labour Court, the writ petition has been filed.

Learned counsel for the petitioner submitted that before the Labour-cum-Conciliation Officer, the petitioner was ready to reinstate the workman without back wages. Therefore, readiness to take back the workman was made by the management. Consequently, respondent No.2-workman should have reported back for duty. Thus, award passed by the

Labour Court to the extent of reinstatement with the 40% back wages is highly arbitrary and it is liable to be set aside.

Learned counsel for respondent No.2 submitted that the workman services was terminated on 11.06.2009 and demand notice was issued on 12.06.2009. Readiness of the petitioner for taking back the workman on duty was considered by the Labour-cum-Conciliation Officer and rejected.

In view of these facts and circumstances, the petitioner has not made out a case so as to interfere with the Labour Court award dated 16.02.2015.

Heard learned counsel for the parties.

Learned counsel for the petitioner except stating that they were ready to take back the workman on duty without back wages before the Labour-cum-Conciliation Officer, nothing has been stated. So as to how the award passed by the Labour Court is not in accordance with law when the Labour-cum-Conciliation Officer has rejected the proposal of the Management to take back respondent No.2-workman on duty and reference has been made. The contention of the petitioner in respect of readiness in taking back the workman on duty may not call for interference with the Labour Court award.

The petitioner has not made out a case so as to interfere with the award of Labour Court and accordingly, the petition stands rejected.

August 18, 2017

ps-I

(P.B. BAJANTHRI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No