

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 20899 of 2011 (O&M)

Date of decision: 15.12.2017

General Manager Punjab Roadways and others**...Petitioners****V/s.****Sukhdev Singh and another****...Respondents****CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI**

Present: Mr. B.S. Sewak, Addl. A.G., Punjab.

Mr. Surinder Garg, Advocate for respondent No. 1.

P.B. BAJANTHRI, J. (Oral)

In the instant petition, petitioners have challenged the award passed by labour Court dated 10.09.2010 (Anneuxre P-11). Respondent No. 1 worked as a Conductor with the petitioner from the month of January, 1977 and he has worked upto August 13, 1977. After his termination, he had raised demand notice on 24.05.1978 which was subject matter of award dated 11.12.1980. Award dated 11.12.1980 was passed against respondent No. 1. Thereafter on 09.10.1998 respondent No. 1 issued fresh demand notice which was the subject matter of impugned award dated 10.09.2010.

Learned counsel for the petitioners submitted that once the respondent-workman had suffered award in respect of termination dated 13.08.1977 on 11.12.1980 he had failed to challenge the award before the appropriate forum. Consequently, it had attained finality between the parties. Therefore, there was no question of issuance of fresh demand notice on 09.10.1998 that too after lapse of 21 years. It was further submitted that respondent No. 1 has not completed 240 days and he has worked hardly for about 8 months during the period from January 1977 to August 13, 1977.

Thus, the labour Court has manifestly erred in extending the benefit of

reinstatement and consequential benefits like continuity of service with full back wages from the date of demand notice.

Per contra, learned counsel for respondent No. 1 submitted that there was certain new development in the year 1998 relating to recruitment of Conductor and therefore he had issued a fresh demand notice on 09.10.1998. The labour Court had taken subsequent event while granting the benefits.

Heard learned counsel for the parties. On the ground delay of 2 decades in raising fresh demand notice, labour Court had erred in extending the benefit. Moreover, respondent No. 1 has already suffered award dated 11.12.1980 arising out of the termination dated 13.08.1977 read with demand notice dated 24.05.1978. The labour Court has completely erred in extending the benefit of reinstatement with all consequential benefits to the respondent-workman.

Thus, petitioner has made out a *prima facie* case to interfere with the labour Court award dated 10.09.2010 (Annexure P-11).

Accordingly, Civil Writ Petition is allowed and the labour Court award dated 10.09.2010 (Annexure P-11) is set aside.

15.12.2017

Divyanshi

(P.B.BAJANTHRI)
JUDGE

Whether speaking/reasoned
Whether reportable

:
:

Yes/No
Yes/No