

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

1. CWP No.21469 of 2011

M/s Eastern Enterprises ... Petitioner
Vs.

Presiding Officer and another ... Respondents

2. CWP No.8528 of 2011

Sanjeev Kumar ... Petitioner
Vs.

M/s Eastern Enterprises and another ... Respondents

Date of Decision:29.09.2017

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

Present : Mr. Vikas Kumar, Advocate for the petitioner-management.

Mr. Rajpal Singh, Advocate for the respondent-workman.

P.B. BAJANTHRI J. (Oral)

By this common order, both the aforementioned writ petitions shall be decided together as both are against the same award.

These are the cross writ petitions by both management and workman challenging the validity of award dated 2.12.2010 (Annexure P-5) and order dated 24.6.2011 (Annexure P-7). Petitioner-management has challenged the validity of award whereas workman has challenged restriction of back wages to contend that he is entitled for full back wages.

Workman services was stated to be terminated. On the other hand, the same was disputed throughout by the management. After passing of the award also, the management have shown their keen interest to take back him into service. However, workman has not co-operated in joining the management and discharging the duties of the post assigned to him. As is evident from the zimini orders, every effort has been made by this Court

to accommodate respondent-workman. However, the same has not been appreciated so also he has not discharged the duties except for the period of three months from November 2016 to April 2017. Thereafter, he remained absent on the score that he had a domestic issues. Having regard to the conduct of the respondent-workman, he is not entitled for any relief.

Accordingly, award passed by the Labour Court dated 2.12.2010 is hereby set aside and petition filed by the petitioner-management is allowed. Consequently, petition filed by the respondent-workman is dismissed.

29.09.2017
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**