

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

252

**CWP-15267-2016 (O&M)
Date of decision:01.08.2017**

Raj Kumar

....Petitioner

Versus

Presiding officer, Laour Court, Ambala and others

.... Respondents

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

Present: Mr.Rajesh Arora, Advocate for the petitioner.

Mr. Rajinder Singh Rana, Advocate for the respondents.

P.B. BAJANTHRI, J. (ORAL)

In the instant writ petition, petitioner has assailed award passed by the Labour court dated 03.02.2011 (Annexure P4). Petitioner is stated to have been appointed in the year 1998 as Peon and worked up to 09.11.2002. The Labour court has given finding that petitioner has rendered 240 days. Thus, Labour court has come to the conclusion that there is violation of various provisions of the Industrial Disputes Act, 1947 despite that reference has been rejected. Hence, the present petition.

Learned counsel for the petitioner submitted that in identical matters Labour Court allowed the reference based on that one Surinder Kumar files a writ petition on the ground of discrimination. At the same time, respondent-University preferred a writ petition in the case of Raj Rani and another. This court heard both the petitions of the respondent-University and Surinder Kumar and extended the benefit of reinstatement

with continuity of service and 50% back wages. Thus, petitioner's case is also similar to that of Raj Rani and Surinder Kumar and others.

Learned counsel for the respondents fairly submitted that petitioner's case is identical to that of Raj Rani and other cases which were decided by this court in CWP No. 19990 of 2012 on 16.10.2015 (Annexure P7). At the same time, there is delay of 5 years in questioning the award passed by the Labour Court by the petitioner. Therefore, petitioner is not entitled for relief sought on par with Raj Rani and Surinder Kumar and others.

Heard learned counsel for the parties.

Undisputedly, petitioner has rendered 240 days and the same has been recorded by the Labour Court. It was also noticed that in identical matters Labour court has passed award in favour of the respondent-workman and so also in favour of University in different matters. Those matters were subject matter in CWP No.19990 of 2012 and connected petitions wherein this court was pleased to hold that workman is entitled for reinstatement with continuity of service and 50% back wages and it is undisputed that petitioner's case is also identical. Now the question is relating to delay in approaching this court by the petitioner to the extent of 5 years. Whether petitioner is entitled for relief on par with others or not?

In view of the delay in approaching this court, petitioner is not entitled for back wages. Petitioner is entitled only to the extent of reinstatement with continuity of service. Accordingly, award passed by the Labour court is modified to the above extent. Respondent-university is

hereby directed to reinstate the petitioner with continuity of service only.

CWP stands allowed in part.

01.08.2017
pooja saini

(P.B.BAJANTHRI)
JUDGE

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