

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

CM No.1820 of 2017 in/&
CWP No.15670 of 2016 (O&M)
Date of decision: 23.02.2017

General Manager, Haryana Roadways, Karnal ... Petitioner

VS.

Balwant Singh & anr. ... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. J.S.Bedi, Addl. AG, Haryana.

Mr. Deepak Jindal, Advocate
for respondent No.2.

Rajiv Narian Raina, J.(Oral)

CM No.1820 of 2017

Allowed as prayed for. Reply on behalf of the petitioner to the application filed by respondent No.1 is taken on record.

CM stands disposed of.

CWP No.15670 of 2016

Learned State counsel has produced an order dated 03.02.2017 passed by the General Manager, Haryana Roadways, Karnal implementing in *toto* the interim stay order dated 04.08.2016 issued by this Court directing the petitioner to reinstate the respondent workman. The order dated 18.01.2017 passed in the application filed under Section 17-B for payment of last drawn wages requires no further action since the matter has been heard for final disposal.

If the award has been implemented and the respondent has been reinstated in service although ad interim, as learned counsel for the

respondent on instructions from his client, namely, Balwant Singh states then I find hardly any life or merit in this petition filed by the Haryana Roadways to interfere with the well reasoned award.

However, at the end, the interim order of 04.08.2016 records that it will be subject to the outcome of the writ petition. It see no practical purpose to involve the counsel in an academic debate after the award has been implemented and read in review jurisdiction and, therefore, the petition filed by the State against the impugned award passed by the Presiding Officer, Labour Court, Panipat reinstating the petitioner with continuity of service and awarding 50% back wages from the date of filing of claim petition till its realization stands affirmed. On merits, I would record that I find that the award does not suffer from any legal infirmity or error apparent on the face of the record as the finding holds good that the termination effected was illegal and invalid for non-compliance of the procedural safeguards at the time of retrenchment by passive breach of the mandatory provisions in Section 25-F of the ID Act, 1947.

The order implementing the award is taken on record as Mark 'A'. The petition is dismissed.

(RAJIV NARAIN RAINA)
JUDGE

23.02.2017
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1. Whether speaking/reasoned?
2. Whether reportable?

Yes
No