

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.23354 of 2013 (O&M)
Date of Decision:-02.08.2017.

M/s Printers House Pvt. Ltd.

.....Petitioner

Versus

Presiding Officer, Industrial Tribunal-cum-Labour Court-3, Faridabad and another.

.....Respondents

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

Present: Mr. Harsh Garg, Advocate for
Mr. Rakesh Gupta, Advocate for the petitioner.

None for respondent No.2.

P.B. BAJANTHRI, J. (Oral)

In the instant writ petition, petitioner has questioned the validity of the award passed by the Labour Court dated 05.06.2013 (Annexure P-14).

Respondent-workman was appointed as a Fitter on 07.09.2004. Later on respondent-workman's services were confirmed on 14.04.2009. Respondent is stated to have met with an accident on 22.02.2010. Thereafter, he re-joined his duties on 30.08.2010 for few days and after that, he did not join for discharging the duties. Consequently, industrial dispute was raised in the year 2011. Labour Court while deciding the Reference in favour of the respondent-workman, proceeded to pass the order that respondent-workman is entitled to reinstatement with continuity of service and 50 % back wages from the date of termination. Hence, the present petition.

During pendency of this petition, petitioner was taken back to duty on 07.05.2014. Thereafter, he worked up to 26.8.2015. During the

intervening period from 07.05.2014 to 26.08.2015, respondent-workman once again was subjected to domestic inquiry for certain misdeed committed by him. Consequently, his services were dismissed on 26.8.2015 which is not the subject matter in this litigation.

Learned counsel for the petitioner submitted that even though respondent-workman has joined service on 07.09.2004 as a Fitter, there were number of breaks in service during the period from 07.09.2004 to 14.04.2009 and further he rejoined on 04.01.2010 and hardly worked for about 2 to 3 days. In view of these facts and circumstances, respondent-workman is not entitled to 50% back wages.

None appears for the respondent-workman.

Heard learned counsel for the petitioner.

Having regard to the conduct of the respondent-workman that he was not regularly discharging the duties of the post of Fitter with the petitioner. Even, during the period from 07.09.2004 to 14.04.2009, workman was re-appointed on 04.01.2010 and he has worked for few days. In view of these facts and circumstances, respondent-workman is not entitled to 50% back wages as awarded by the Labour Court. Accordingly, the Labour Court award dated 05.06.2013 (Annexure P-14) is modified to the extent of 20% back wages instead of 50% back wages. The same shall be calculated and disbursed to the petitioner within a period of 4 months from today.

Petition stands disposed of.

(P.B. BAJANTHRI)
JUDGE

August 02, 2017.

sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.