

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

208a

**CWP-23379-2013 (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.Rakesh Gupta, Advocate for the petitioner.

Ms. Ramandeep Kaur, Advocate for
Mr. Sanjeev Kumar Panwar, Advocate for respondent No.2.

P.B. BAJANTHRI, J. (ORAL)

In the instant writ petition, petitioner has questioned validity of the award passed by the Labour Court dated 17.10.2012 (Annexure P11). Respondent-workman was appointed as Draftsman (Design) on 04.06.2008. Thereafter, his services were terminated on 07.07.2009. Petitioner raised industrial dispute before the Labour Court. Labour Court disposed of reference on 17.10.2012 while holding that petitioner is entitled for reinstatement with continuity in service. Further he is entitled for 50% back wages and cost was also assessed Rs.2000/-.

Learned counsel for the petitioner submitted that respondent-workman had hardly worked for a year. Therefore, question of reinstating and entitlement of 50% back wages would not arise. It was also submitted

that during pendency of this petition, since interim order was granted staying the back wages consequently, petitioner had reinstated respondent-workman on 23.08.2013. Thereafter, respondent-workman has hardly worked for about a month. Consequently, he has abandoned the services. In this regard, respondent-workman has raised an industrial dispute which is subject matter of the separate litigation. Therefore, award passed by the Labour court is arbitrary and illegal.

Per contra, learned counsel for the respondents submitted that respondent-workman has rendered 240 days. Consequently, there is a violation of various provisions of I.D.Act. Thus, Labour court has passed an award. Therefore, is no infirmity in respect of the reinstatement, continuity of service, 50% back wages and cost of Rs.2000/-.

Heard learned counsel for the parties.

Undisputedly, respondent-workman has worked from 04.06.2008 to 07.07.2009 for about one year. Petitioner fairly implemented the interim order of this court to the extent of reinstating the respondent-workman on 23.08.2013. Respondent-workman worked for about one month and he has abandoned the services. Consequently, he raised an industrial dispute in respect of issue relating to the month of September, 2013 i.e. after reinstating him pursuant to the Labour court award dated 03.12.2012 read with interim order passed by this court in the present petition. Having regard to the conduct of the petitioner and he had shown that he is not interested in discharging the duties of the post held by him with the petitioner, further respondent-workman had worked for about a year

between 2008 to 2009. Therefore, respondent-workman is not entitled for 50% back wages and cost as awarded by the Labour Court. Labour court award is modified to the extent that respondent-workman is entitled for 20% back wages only. Petitioner is hereby directed to calculate 20% of back wages and disburse the same to the respondent-workman within a period of 3 months from today.

Accordingly, CWP stands disposed of.

02.08.2017
pooja saini

(P.B.BAJANTHRI)
JUDGE

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