

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

CWP No.4226 of 2012

Date of Decision:26.10.2017

The Divisional Forest Officer (SFP) & T, Bhiwani

... Petitioner

Vs.

Smt. Kitabo and another

... Respondents

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

Present : Mr. Siddharth Sanwaria, D.A.G. Haryana.

Mr. Dharamveer Phour, Advocate for respondent No.1.

P.B. BAJANTHRI J. (Oral)

In the instant petition, petitioner has challenged the award passed by the Labour Court dated 20.01.2011.

Respondent No.1 is stated to have been appointed as Beldar-cum-Gardner on daily wage basis on 15.7.1988. Her services were terminated on 1.3.2000. Thus, respondent No.1 raised industrial dispute. Labour Court proceeded to hold that there is violation of Section 25-F and 25-G of the Industrial Disputes Act, 1947 in respect of respondent No.1's termination and pass award to the extent that respondent No.1-workman is entitled for reinstatement alongwith continuity of service and 50% back wages from the date of demand notice i.e. 4.12.2000.

Learned counsel for the petitioner submitted that petitioner is only a daily wager, therefore, question of reinstating and extending consequential benefits do not arise.

Per contra, learned counsel for respondent No.1 submitted that award of the Labour Court has been implemented. It was also submitted that services of juniors to respondent No.1 who are similarly situated have been

regularized. Therefore, there is no infirmity in the award passed by the Labour Court. It was further contended that on 20.3.2008, respondent No.1 was taken back to duty.

During pendency of this petition, neither of the parties have apprised this Court to the extent that respondent No.1-workman has been taken back to duty on 20.3.2008. At the time of issuing notice of motion on 26.3.2012, petitioner should have in fairness apprised this Court that staying reinstatement subject to Section 17-B of the ID Act may not be correct in view of the fact that respondent No.1-workman was taken back to duty in the year 2008 itself. It is also learnt that respondent No.1-workman is discharging the duties of the post even to this day.

In view of these facts and circumstances, question of interference with the award passed by the Labour Court dated 20.1.2011 do not arise.

Accordingly, petition stands dismissed.

At this stage, learned counsel for respondent No.1 submitted that petitioner may be directed to release the back wages as awarded by the Labour Court. Petitioner is hereby directed to release the back wages as awarded by the Labour Court within a period of three months from today. Failing which respondent is entitled to interest on back wages @ 6% per annum from 20.03.2008.

26.10.2017
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No