

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

227

RSA No.2342 of 2016 (O&M)

Date of Decision : 06.11.2017

Uttar Haryana Bijli Vitran Nigam, Panchkula
and another

..... Appellants

Versus

Jagan

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Anil Chawla, Advocate
for the appellants.

Mr. Abha Rathore, Advocate
for the respondent.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the concurrent judgments of the Courts below decreeing the suit of the respondent.

The admitted facts are that the respondent was appointed as a Beldar on 20.11.1979. His services were terminated on 20.07.1983. He submitted a demand notice but the same having been rejected the matter was taken up by the Labour Court and by an award dated 07.01.2003 the following relief was granted :-

“In view of my findings on various issues, this reference is answered to the effect that the claimant is entitled for reinstatement with continuity of service on the original post and full back wages from the date of demand of notice. Award is passed accordingly.”

Shorn of all un-necessary details what the respondent had claimed in his suit was that though he had been given other benefits but the full benefit of continuity of service was not granted to him because in the year 1996 the appellants had adopted the regularization policy of the State of Haryana, as per which those employees who had atleast 240 days service in the 3 years preceding 30.10.1996 were entitled for regularization. It was the case of the respondent that if the entire benefit of continuity of service was granted to him then it would have to be held that he was in service when the policy came into force and then it would have to be deemed that he had 3 years service on that date. Both the Courts below have accepted this claim and decreed the suit.

Learned counsel for the appellants have argued that the Labour Court had granted him continuity of service from the date of demand notice and that has been taken as December, 1998 and therefore it is only from that date that the continuity can be granted.

Learned counsel for the respondent has pointed out that the reference to the date of demand notice is only for the purpose of grant of back wages and even otherwise there can be no continuity of service from a later date.

A reading of the award which has been extracted above tends to bear out the conclusion drawn by the learned counsel for the respondent. The reference to date of demand notice is only for the purpose of grant of back wages and not for the purpose of continuity.

Appeal is dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

06.11.2017
Pooja sharma-I

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No