

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

COCN No.676 of 2017
DATE OF DECISION:01.03.2018

Jagdish Singh

...Petitioner

Vs.

Kahan Singh Pannu & another

...Respondents

CORAM:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. S. P. Soi, Advocate
for the petitioner.

Mr. Anupam Singla, Advocate
for the respondents.

DAYA CHAUDHARY, J.(ORAL)

Learned counsel for respondents submits that as per order dated 27.07.2016 passed in CWP No.6073 of 2014, the petitioner has been reinstated but was not held entitled for back-wages.

Learned counsel for the petitioner submits that the petitioner was not considered to be contractual employee as per observations made in para Nos.6 & 7 of aforesaid judgment.

On perusal of order dated 27.07.2016 and specifically para No.8, only the directions were issued to respondents to reinstate the petitioner and the petitioner has been reinstated. The award was set aside. It was held in said order that petitioner was not entitled for back-wages. The grievance of the petitioner is that petitioner has been allowed to join on contractual basis whereas he was working on regular basis. Only on the basis of observation made in the earlier paras that provident fund was

deducted, petitioner is considering himself to be the regular employee. It is not a case that the amount which was deducted was of general provident fund. Only the amount of provident fund which was deducted which is mandatory.

In case the petitioner is aggrieved by the action of the respondents, he is at liberty to avail the appropriate remedy to challenge the order. However, it is also necessary to mention here that when award has been set aside and order of reinstatement has been passed, the petitioner is entitled for reinstatement w.e.f. the date of termination. However, he is not entitled for back wages.

No ground is made out to proceed further with the contempt petition.

Dismissed.

01.03.2018
rimpal

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No