

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

582

**CWP-344-1999 (O&M)
Date of decision:08.02.2018**

Ram Singh

...Petitioner

Versus

Presiding Officer and another

.... Respondents

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

Present: Mr. Deepak Sonak, Advocate for the petitioner.

Mr. Rohit Arya, AAG, Haryana.

P.B. BAJANTHRI, J. (ORAL)

In the instant writ petition, petitioner has challenged the portion of the award of the labour court dated 23.04.1998 (Annexure P1) to the extent of “without benefit of continuity of service and without back wages”. Petitioner was appointed as a daily wager labourer in the year 1982. His services were terminated in the month of December, 1992. Labour court has decided the reference to the extent that there is violation of provisions of the Industrial Disputes Act, 1947 insofar as termination is concerned. However, for no reason benefit of continuity of service as well as back wages have been denied. Hence the present petition.

2. Learned counsel for the petitioner submitted that once labour court held that there is violation of provision 25(g) of the Industrial Disputes Act, 1947, there is no reasons so as to deny the benefit of continuity of service as well as back wages. Thus, labour court has erred in not extending the aforesaid benefits.

3. Per contra, learned counsel for the respondent submitted that during the intervening period from 1982 to 1992 petitioner's services were terminated on two occasions. On the first occasion due to compromise he was taken back to duty. Thereafter he was once again terminated in the month of December, 1992. Having regard to these factual aspects labour court refused to extend the benefit of continuity of service and so also back wages. Therefore, there is no infirmity in the award passed by the labour court dated 23.04.1998.

4. Heard learned counsel for the parties.

5. Denial of continuity of service and back wages merely on the ground that petitioner services were terminated earlier and his reinstatement was with reference to compromise is nothing to do with the present issue relating to termination in the month of December, 1992. Once labour court has held that termination in the month of December, 1992 is in violation of Section 25(g) of the Industrial Disputes Act, 1947 thereafter, denial of continuity of service without back wages is not appropriate. Accordingly, award passed by the labour court dated 23.04.1998 is modified to the extent that petitioner is entitled to reinstatement on his previous post with continuity of service and 50% back wages. Respondents are hereby directed

to disburse 50% back wages within a period of 3 months from today.
Further whatever the service benefits are required to be extended to the petitioner with reference to continuity of service, same shall be extended within the aforesaid period.

6. CWP stands allowed.

08.02.2018
pooja saini

(P.B.BAJANTHRI)
JUDGE

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No