

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-11117-2012 (O&M)

Date of Decision:-08.01.2018.

M/s Sunstar Overseas Limited

.....Petitioner

Versus

Presiding Officer, Industrial Tribunal-cum-Labour Court, Panipat and
another

.....Respondents

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

Present: Mr. Harkesh Manuja, Advocate for the petitioner.

Mr. Naveen Singh Panwar, Advocate for respondent No.2.

P.B. BAJANTHRI, J. (Oral)

In the instant writ petition, petitioner has challenged the award passed by the Labour Court dated 20.01.2012 (Annexure P-6).

Respondent-workman's services were engaged by the petitioner and her services were terminated. Consequently, she raised an industrial dispute. Labour Court decided the Reference in favour of the respondent-workman to the extent that she is entitled to reinstatement with continuity of service and 50% back wages from the date of demand notice, namely, w.e.f. 14.01.2005.

Learned counsel for the petitioner submitted that respondent-workman has been taken back to duty pursuant to the award dated 20.01.2012. Further no material has been placed before the Labour Court to the extent that respondent was unemployed so as to claim 50% back wages.

Hence, Labour Court has erred in granting 50% back wages.

On the other hand, learned counsel for respondent No.2-workman submitted that there is no error committed by the Labour Court in granting 50% back wages. Merely implementation of the award dated 20.01.2012 to the extent of reinstatement that does not come in the way of extending the benefit of 50% back wages.

Heard learned counsel for the parties.

Short question for consideration in the present petition is whether respondent-workman is entitled to 50% back wages from the date of demand notice or not? No doubt the petitioner-firm have implemented the award dated 20.01.2012 in part to the extent of reinstatement. Insofar as 50% back wages awarded by the Labour Court is concerned, it is to be noted that respondent-workman is a Sweeper whose services were engaged by the petitioner. When an illegal termination has been ordered, in that event, workman is entitled to all consequential benefits even assuming that respondent-workman was engaged during the intervening period from the date of termination till reinstatement. For the purpose of livelihood, she has to work. Therefore, insofar as award of 50% back wages from the date of demand notice, there is no infirmity. Thus, petitioner has not made out a case so as to interfere in respect of award of 50% back wages by the Labour Court.

Accordingly, petition stands dismissed.

(P.B. BAJANTHRI)
JUDGE

January 08, 2018.
sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.