

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

CWP-12806-2012 (O&M)

Date of Decision: 24.04.2018

Rattana

... Petitioner

Vs.

Presiding Officer and others

... Respondents

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

Present : Mr. Ajay Chaudhary, Advocate
for the petitioner.

Mr. Rajesh Gaur, Addl. A.G. Haryana.

P.B. BAJANTHRI J. (Oral)

In the instant petition, petitioner has challenged the denial of back wages by the Labour Court in its award dated 28.12.2011 (Annexure P-1).

2. Petitioner is stated to have been appointed as a Beldar in the month of June 1996 with break in the year 2003, he was continued upto 22.12.2008. His services were dispensed on 22.12.2008. Thus, he raised industrial dispute before the Labour Court. Labour Court vide its award dated 28.12.2011 held that petitioner is entitled to reinstatement with continuity of service but without back wages. Reasons for denial of back wages are assigned as no work no pay principle.

3. Principle of no work no pay is not attracted in the present case for the reasons that respondents have dispensed the petitioner's services. Conciliation proceedings was failed, respondents have not shown their bone fide to take back the petitioner into service. At the same time, respondents have prevented the petitioner to discharge the duties of the post held by him.

Therefore, principle of no work no pay is not attracted.

4. In view of the above facts and circumstances read with the record, petitioner is entitled to 50% of back wages from the date of demand notice till passing of the award. Concerned respondent is hereby directed to calculate 50% of back wages and disburse the same to the petitioner within a period of three months from today. Failing which petitioner would be entitled to interest @ 6% per annum from today.

5. Petition stands allowed accordingly.

24.04.2018
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**