

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

CWP-16053-2013

Decided on: 01.03.2018

M/s Dhir Global Industries Pvt. Ltd.

.... Petitioner

Versus

Presiding Officer & another

...Respondents

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

Present: Mrs. Abha Rathore, Advocate
for the petitioner.

Mr. Sunil Dhanda, Advocate, for
Mr. Rajesh Lamba, Advocate,
for respondent No.2.

P.B. BAJANTHRI, J (ORAL)

In the instant petition, the petitioner has challenged the award passed by the Labour Court dated 18.4.2013 (Annexure P-5).

During pendency of this writ petition, respondent-workman was taken back to duty. Respondent-workman has worked with the petitioner from 07.02.2001 to 27.07.2004. On the ground of illegal termination of the respondent-workman, she raised industrial dispute. Before the conciliation proceedings, petitioner-management has shown the bonafide to take the respondent-workman for duty so also before the Labour Court. Thus, it is evident that respondent-workman was not prepared to accept the duty report offered by the petitioner-management.

In view of these facts and circumstances, respondent-workman is not entitled to back wages in view of the decision in identical matter which was decided on 16.02.2018 in **CWP No.19747 of 2016** titled as **M/s. N.K. Industries vs. Presiding Officer and another**” to the extent that if respondent-workman conduct is taken into consideration when the management intends to take the workman for duty, in that event, workman

is not entitled for wages.

Therefore, keeping in view the above facts and circumstances, award dated 18.04.2013 (Annexure P-5) passed by the Labour Court is modified to the extent that respondent-workman is not entitled to back wages.

Accordingly, the present petition is partly allowed.

(P.B. BAJANTHRI)
JUDGE

01.03.2018
Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No