

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 11772 of 2018

Date of decision : 10.05.2018

Balkar Singh

....Petitioner

V/s

The Presiding Officer, Industrial Tribunal, Amritsar & anr.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. K.P.S. Sandhu, Advocate for the petitioner.

RAJAN GUPTA J.

Petitioner is aggrieved against the award dated 03.08.2017 passed by Industrial Tribunal, Amritsar whereby it has been held that petitioner-workman is entitled to reinstatement with continuity in service but without back wages. It has been urged before the court that lower court has rightly reinstated the petitioner with continuity in service but erred in declining the prayer for the back wages. According to learned counsel, petitioner is entitled to back wages as he remained out of service without his fault

I have heard learned counsel for the petitioner.

It appears that petitioner-workman was working as conductor with M/s The Amritsar Harike Transport Cooperative Society Ltd (respondent no. 2 herein). He was drawing a salary of ₹3,500/- per month. The workman worked with the management for twenty eight years regularly. Thereafter his services were terminated by the management on 08.02.2014 without assigning any reason. The workman raised an industrial dispute and challenged his termination before Industrial Tribunal, Amritsar. The matter

came up for adjudication before the Tribunal wherein the Management refuted the claim of the workman. It took the stand that workman had left the service of his own accord. He executed a receipt in respect of full and final settlement. It denied that it had terminated the services of the workman.

However, vide award dated 03.08.2017, the tribunal ordered reinstatement of workman with continuity in service but without back wages. It is not disputed that procedure as prescribed under the Act was never followed while terminating the service of the workman. On the basis of evidence on record, Tribunal granted the relief of reinstatement to the petitioner with continuity of service but without back wages. The award declining back wages in the circumstances appears to be justified and there is no need for interference in the impugned award. For the period for which the workman did not work, he shall not be entitled to any back wages.

In view of above, writ petition is without any merit and is hereby dismissed.

May 10, 2018

Ajay

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No