

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

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**CWP-24559-2014 (O&M)  
Date of decision:03.05.2018**

The Managing Director, Haryana State Federation of Consumers  
Cooperative Wholesale Stores Ltd.

... Petitioner

Versus

The Presiding Officer, Industrial Tribunal-cum-Labour  
Court, Rohtak and others

.... Respondents

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

Present: Mr. Amit Jaiswal, Advocate for the petitioner.

Mr. Dinesh Kumar Chaudhary, Advocate for  
Mr. R.C. Chaudhary, Advocate for respondent No.2.

Mr.Arjun Pratap Atma Ram, advocate for respondent No.3.

**P.B. BAJANTHRI, J. (ORAL)**

In the instant writ petition, petitioner has challenged award passed by the labour court dated 05.08.2011 (Annexure P-1) to the extent of extending benefit of back wages of 50% from the date of demand notice i.e. 15.07.2000. Respondent was appointed as a Salesman on 06.01.1981 and his services were terminated on 09.03.1984. He raised demand notice on 15.07.2000. The labour court framed issues. One of the issue is relating to delay and latches. Labour court proceeded to award 50% back wages from the date of demand notice. Having regard to the conduct of the respondent-workman to the extent that he was terminated on 09.03.1984 and he has raised a demand notice on 15.07.2000, labour court has erred in not apprising the issue of delay and latches on the part of the respondent-workman while extending benefit of 50% back wages to the respondent. In

support of the petitioner's claim he relied on decision of this court reported in 2011 (4) LLJ 317 titled as ***Ram Kumar Versus Presiding Officer, Labour Court, Ambala and others*** in para 6.

2. On the other hand, learned counsel for the respondent submitted that delay is due to pendency of criminal proceedings launched against him. Thereafter, he was pursuing with the petitioner since it was not materialized. Consequently, raised demand notice on 15.07.2000. Moreover, 50% back wages has been awarded from the date of demand notice and not from the date of termination. Therefore, there is no infirmity in the award passed by the labour court. It was submitted that there was arbitration case and matter was taken up to Supreme Court. In view of these facts and circumstances, there is a justification of awarding 50% back wages from the date of demand notice.

3. Heard the learned counsel for the parties.

4. Having regard to the dates and events to the extent that respondent-workman services were terminated on 09.03.1984 and he kept quiet up to 15.07.2000 in respect of raising the dispute to the extent of demand notice. Reasons for not raising demand notice immediately as and when his services were terminated is that he was facing criminal proceedings as well as arbitration matter was pending. There was no hurdle for raising a dispute in respect of termination. Therefore, there is delay and laches on the part of the respondent-workman. In fact respondent is a lucky enough to get relief to the extent of re-instatement. The petitioners have reinstated him and he continued in service and attained the age of superannuation. In view of these facts and circumstances, read with ***Ram Kumar's*** case cited (supra), labour court has erred in extending benefit of 50% back wages to the

respondent. During pendency of the reference No.112 of 2001 termination order has been withdrawn and respondent-workman had taken back to duty. Respondent-workman was continued in service till attaining age of superannuation and retired from service on 30.11.2012. Accordingly, award passed by the labour court dated 05.08.2011(Annexure P-1) is set aside to the extent that respondent-workman is entitled to only reinstatement and consequential benefits and not back wages.

5. CWP stands allowed.

**03.05.2018**

pooja saini

**( P.B.BAJANTHRI )  
JUDGE**

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No