

In the High Court of Punjab and Haryana at Chandigarh

Date of Decision: January 15, 2018

1. *C.W.P. No. 23111 of 2016 (O&M)*

Ram Garib

.... Petitioner

Versus

Union of India and others

... Respondents

2. *C.W.P. No. 23112 of 2016 (O&M)*

Sanjay

... Petitioner

Versus

Union of India and others

... Respondents

3. *C.W.P. No. 23122 of 2016 (O&M)*

Kamlesh Kumar Yadav

... Petitioner

Versus

Union of India and others

... Respondents

4. *C.W.P. No. 15566 of 2016 (O&M)*

Mani Ram

.... Petitioner

Versus

Union of India and others

... Respondents

5. *C.W.P. No. 15567 of 2016 (O&M)*

Narender Singh

... Petitioner

Versus

Union of India and others

... Respondents

6. *C.W.P. No. 15683 of 2016 (O&M)*

Raj Kumar

... Petitioner

Versus

Union of India and others

... Respondents

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

Present: Mr. S.S. Pathania, Advocate,
for the petitioner.

Mr. Sandeep Bansal, Advocate,
for respondent No.3.

P.B. Bajanthri, J. (Oral)

1. By this common order, all six afore-mentioned civil writ petitions i.e. CWP Nos. 23111, 23112, 23122, 15566, 15567 and 15683 of 2016 are being decided together as similar facts are involved in these petitions. However, for brevity, facts have been taken from CWP No. 23111 of 2016.

2. In the instant petition, petitioner has challenged the order of termination dated 31.05.2016 (Annexure P/11).

3. Petitioner was stated to have been appointed on probation on an earlier occasion in the year 2001. His services were terminated abruptly which was the subject matter of a litigation before the Industrial Tribunal-cum-Labour Court. The Labour Court allowed the reference while extending the benefit of reinstatement with continuity of service and full back wages. Feeling aggrieved by the award passed by the Labour Court, respondent no. 3 preferred a writ petition which was dismissed on 13.01.2014. Thereafter, he preferred LPA. In the LPA, award of the Labour Court was modified to the extent of granting full back wages to that of 50% back wages. Respondent No.3 while implementing the award passed by the Labour Court read with LPA decision, imposed certain conditions for which the petitioner was not agreed. Consequently, respondent no.3 issued a show cause notice of termination and terminated the petitioner's services. Hence,

the present petition.

4. Undisputedly, respondents have suffered orders before the Labour Court, before Single Bench and LPA Bench to the extent of reinstatement of the petitioner with continuity of service. Only to the extent of back wages, LPA bench interfered and restricted to 50 per cent back wages. Having regard to the nature of appointment and conditions imposed in the initial appointment order, respondent no.3 cannot go beyond the terms and conditions imposed vide Annexure R-3/1 to the extent that each of the petitioner is on probation etc. Therefore, impugned action of the respondent would be contrary to award passed by the Labour Court read with decision of LPA. Accordingly, Annexure P/11 – order of termination is set aside. Respondent no.3 is hereby directed to extend all consequential benefits including monetary benefits i.e., from the date of termination till reinstatement. If any payment is made to the petitioner, the same shall be adjusted by the respondent after due notice to the petitioner. If respondents have not disbursed 50% back wages as ordered by the LPA Bench, respondents are hereby directed to calculate and disburse to the petitioner within a period of three months from today.

5. With the above observations, all the six afore-mentioned writ petitions stand allowed.

January 15, 2018
vkd

[P.B. Bajanthri]
Judge

Whether speaking / reasoned : Yes

Whether reportable : No