

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA-2538-2009 (O&M)

Date of Decision:-04.04.2018.

Superintendent Govt. Garden and Nursery and others

.....Appellants

Versus

Chet Ram

.....Respondent

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

Present: Mr. Rajesh Gaur, Additional A.G. Haryana.

Mr. R.N. Lohan, Advocate for the respondent.

P.B. BAJANTHRI, J. (Oral)

In the instant appeal, appellants have questioned the validity of Trial and Appellate Court orders dated 12.01.2009 and 10.04.2009 (respectively).

2.) Question for consideration in the present appeal is whether respondent-Chet Ram is entitled to back wages pursuant to the award dated 01.06.2001 passed by the Labour Court or not?

3.) Respondent was appointed as a Mali in the year 1982 and his services were terminated on 07.01.1984. Respondent raised a industrial dispute. Award was passed in favour of the respondent to the extent of reinstatement with continuity of service and full back wages. Feeling aggrieved by the award passed by the Labour Court, appellants herein filed

CWP-15210-2001 which was decided on 08.07.2015 while restricting

benefit of reinstatement without continuity of service and back wages. In the meanwhile, respondent was paid back wages on 11.02.2003 which was sought to be recovered from the respondent on 27.01.2004. Such recovery proceedings was the subject matter before the Trial Court. Trial Court decreed the suit. Thereafter, Appellate Court upheld the decree. Hence, the present appeal.

4.) Learned counsel for the appellants submitted that in view of the order passed in CWP-15210-2001 decided on 08.07.2015 to the extent that the award has been modified that respondent is entitled to only reinstatement. Thus, respondent had suffered order in CWP-15210-2001. In view of the latter development, the present appeal is decided in terms of the order passed in CWP-15210-2001. Accordingly, Trial and Appellate Court orders dated 12.01.2009 and 10.04.2009 (respectively) are set aside.

5.) Appeal stands allowed.

(P.B. BAJANTHRI)
JUDGE

April 04, 2018.

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Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.