

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

LPA No. 1235 of 2017 (O&M) in
CWP No. 8118 of 2006

Date of decision: 15.5.2018

Maharaja Agarsain Medical Institute and Research .. Appellant
vs
Sanjeev Kumar and another .. Respondents

**Coram: Hon'ble Mr. Justice Rajesh Bindal
Hon'ble Mr. Justice Deepak Sibal**

Present: Mr. Raman B. Garg and Ms. Gitanjali, Advocates,
for the appellant.

Mr. Salil Bali Advocate with respondent no.1.

Rajesh Bindal, J.

The appellant had filed Civil Writ Petition No. 8118 of 2006 challenging the award of the Labour Court dated 20.12.2005, whereby the respondent-workman was directed to be reinstated back in service with continuity and consequential service benefits along with 50% back wages from the date of issuance of demand notice.

The writ petition was admitted. However, it was dismissed in default on 6.12.2016. Application bearing CM No. 3669-CWP of 2017 for restoration was filed, in which vide impugned order dated 23.5.2017, the learned Single Judge directed the appellant to compromise the matter with the workman in terms of order dated 30.1.2009 passed in CM No. 18364 of 2008 in CWP No. 8467 of 2006 -Maharaja Agarsain Medical Institute and Research, Agroha vs Presiding Officer, Industrial Tribunal-cum-Labour Court, Hisar and another.

The grievance of the appellant is that the appellant-Management is ready and willing in compromising the matter with the respondent-workman, but not in terms of the order dated 23.5.2017 as was directed by the learned Single Judge, rather in terms of the order passed by this Court on 4.8.2014 in CWP No. 8491 of 2006- Maharaja Agarsain Medical Institute and Research, Agroha vs Presiding Officer and another.

The offer was put to the workman. Learned counsel for respondent- workman on instruction from the workman present in Court submitted that compromise in terms of order dated 4.8.2014, passed in CWP No. 8491 of 2006 -Maharaja Agarsain Medical Institute and Research, Agroha vs Presiding Officer and another is acceptable to him, hence, in case the writ petition bearing CWP No. 8118 of 2006 - Maharaja Agarsain Medical Institute and Research, Agroha vs Presiding Officer and another filed by the appellant-Management is disposed of in terms thereof while modifying the award of the Labour Court, he will accept these terms.

After hearing learned counsel for the parties, we dispose of the present appeal while setting aside the order passed by the learned Single Judge on 23.5.2017, whereby direction had been issued to the appellant-Management to compromise the matter in terms of earlier order dated 30.1.2009 in CM No. 18364 of 2008 in CWP No. 8467 of 2006 -Maharaja Agarsain Medical Institute and Research, Agroha vs Presiding Officer, Industrial Tribunal-cum-Labour Court, Hisar and another.

As the matter in dispute between the parties has been compromised, we think it appropriate to dispose of the entire controversy pending between the parties.

The application bearing CM No. 3669-CWP of 2017 in CWP No. 8118 of 2006 - Maharaja Agarsain Medical Institute and Research, Agroha vs Presiding Officer and another, which is stated to be listed on 4.7.2018, is taken up on Board after pre-poning the date of hearing. The prayer therein is for restoration of the writ petition, which was dismissed in default on 6.12.2016. Learned counsel for the non-applicant/ workman therein has no objection to the application being allowed. Hence, order dated 6.12.2016, dismissing the writ petition in default is re-called. The writ petition is restored to its original number. With the consent of the parties, as the matter in dispute has been compromised, in terms as have been recorded above, the aforesaid writ petition is taken on Board and is disposed of by a separate order of even date while modifying the impugned order passed by the Labour Court in terms of the earlier order passed by this Court on 4.8.2014 in CWP No. 8491 of 2006- Maharaja Agarsain Medical Institute and Research, Agroha vs Presiding Officer and another.

The appeal stands disposed of accordingly.

(Rajesh Bindal)
Judge

15.5.2018
vs

(Deepak Sibal)
Judge

Whether speaking/ reasoned

Yes/No

Whether Reportable

Yes/No