

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

1) LPA No.1743 of 2017 (O&M)

The Chief Medical Officer, Civil Hospital, Hisar

....Appellant

Versus

Ranbir and another

...Respondents

2) LPA No.1804 of 2017 (O&M)

The Chief Medical Officer, Civil Hospital, Hisar

....Appellant

Versus

Krishan Kumar and another

...Respondents

3) LPA No.1815 of 2017 (O&M)

The Chief Medical Officer, Civil Hospital, Hisar

....Appellant

Versus

Raj Kumar and another

...Respondents

4) LPA No.2018 of 2017 (O&M)

The Chief Medical Officer, Civil Hospital, Hisar

....Appellant

Versus

Dilbag and another

...Respondents

5) LPA No.2022 of 2017 (O&M)

The Chief Medical Officer, Civil Hospital, Hisar

....Appellant

Versus

Balwanti and another

...Respondents

6) LPA No.2023 of 2017 (O&M)

The Chief Medical Officer, Civil Hospital, Hisar
.....Appellant
Versus
Sanjay and another
...Respondents

7) LPA No.2024 of 2017 (O&M)

The Chief Medical Officer, Civil Hospital, Hisar
.....Appellant
Versus
Sanjay and another
...Respondents

8) LPA No.2025 of 2017 (O&M)

The Chief Medical Officer, Civil Hospital, Hisar
.....Appellant
Versus
Sunny and another
...Respondents

9) LPA No.2031 of 2017 (O&M)

The Chief Medical Officer, Civil Hospital, Hisar
.....Appellant
Versus
Ravi and another
...Respondents

10) LPA No.2033 of 2017 (O&M)

The Chief Medical Officer, Civil Hospital, Hisar
.....Appellant
Versus
Sunita and another
...Respondents

11) LPA No.2176 of 2017 (O&M)

The Chief Medical Officer, Civil Hospital, Hisar

....Appellant

Versus

Rajbir and another

...Respondents

12) LPA No.2245 of 2017 (O&M)

The Chief Medical Officer, Civil Hospital, Hisar

....Appellant

Versus

Bhag Chand and another

...Respondents

13) LPA No.2258 of 2017 (O&M)

The Chief Medical Officer, Civil Hospital, Hisar

....Appellant

Versus

Veena and another

...Respondents

14) LPA No.2263 of 2017 (O&M)

The Chief Medical Officer, Civil Hospital, Hisar

....Appellant

Versus

Sabo Devi and another

...Respondents

15) LPA No.2297 of 2017 (O&M)

The Chief Medical Officer, Civil Hospital, Hisar

....Appellant

Versus

Jai Pal and another

...Respondents

16) LPA No.2307 of 2017 (O&M)

The Chief Medical Officer, Civil Hospital, Hisar

....Appellant

Versus

Sharif and another

...Respondents

17) LPA No.2423 of 2017 (O&M)

The Chief Medical Officer, Civil Hospital, Hisar

....Appellant

Versus

Jile Singh and another

...Respondents

Date of Decision : 29.8.2018

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present : Mr.Samrath Sagar, Addl.Advocate General, Haryana.

MAHESH GROVER, J. (Oral)

By this order we shall dispose of all the aforesaid Letters
Patent Appeals.

The appellant aggrieved of the judgment of the learned
Single Judge dated 16.03.2017 has filed the instant appeal.

The learned Single Judge while dealing with the award of
the Labour Court in writ proceedings held the workmen entitled to
reinstatement along with 100% back wages on the logic that once
reinstatement is ordered, the grant of back wages would be an
automatic consequence.

Having heard the learned counsel for the appellant, we are of
the opinion that the learned Single Judge was clearly in error to

notice that grant of back wages would be an automatic consequence. Such an observation is contrary to the settled proposition of law which holds to the contrary and entitles the court to evaluate various factors for concluding the issue of grant of back wages such as length of service etc.

On 13.08.2011, this Court passed the following order :-

“We have heard learned State counsel in support of this bunch of LPAs in which learned Single Judge has granted 100% back wages to the respondent(s)-workmen alongwith interest @6% per annum. It appears *prima-facie* fair, just and equitable to restrict the payment of back wages to 50% alongwith interest, instead of full back wages. We are also conscious of the fact that if the respondents are called upon to contest these appeals for the limited purpose of reduction of back wages, the cost of litigation to be incurred by them will be more than the actual back wages they would receive. In these circumstances, it would be expedient to direct the Civil Surgeon, Hisar to circulate a copy of this order alongwith forwarding letter in Hindi language to all the respondent-workmen and seek their option whether or not 50% back wages alongwith interest as awarded by learned Single Judge are acceptable to them. If the respondents- workmen agree, let their consent letters be produced on the next date of hearing so that these appeals can be disposed of in terms of those consent letters.

List on 29.08.2018.

Let a copy of this order be given *dasti* to Mr.R.D.Sharma, Deputy Advocate General, Haryana, for necessary action.

A copy of this order be placed in the files of connected matters.”

Pursuant thereto, learned counsel for the appellant states that the workmen involved in the proceedings have accepted 50% back wages as a matter of settlement. He has further stated that he has vernacular copies of the consent letters signed by the workmen while accepting the back wages to the extent of 50%. We permit him to place the vernacular copies on record as Mark 'A-1' to 'A-17'.

Since the issue has already been settled, we would deem it appropriate to lend a quietus to the proceedings by disposing of these appeals as having been rendered infructuous. Ordered accordingly.

Pending application, if any, also stands disposed of.

(MAHESH GROVER)
JUDGE

29.08.2018
dss

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No