

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA No.153 of 2018 (O&M) in
CWP No.16948 of 2017
Date of decision: 29.01.2018

The Secretary, Indian Red Cross Society, Panchkula

..... Appellant

Versus

Amrik Singh and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL.
HON'BLE MR. JUSTICE B.S. WALIA.

Present: Mr. K.K. Gupta, Advocate for the appellant.

B.S. Walia, J.

[1] Intra-court appeal has been filed against order dated 10.01.2018 whereby prayer for interim relief against award of the Labour Court, Ambala (hereinafter referred to as "the Labour Court") directing re-instatement of respondent No.1 in service with continuity along with full back wages, was rejected.

[2] Brief facts of the case leading to the filing of the intra-court appeal are that vide award dated 27.04.2017(Annexure P-3) Labour Court, Ambala ordered re-instatement of respondent No.1/workman with continuity of service along with full back wages to be paid within two months from the date of award and in default, arrears of back wages were to earn interest @ 9%.

[3] Aggrieved against the award, the appellant filed CWP No.16948 of 2017. The appellant also filed Civil Misc. application i.e. CM

No.97 of 2018 praying for interim relief qua the directions given in the award impugned before the Writ Court. The Writ Court rejected the application for grant of interim relief by taking into account that during pendency of the writ petition, the appellant/petitioner - Society had filled up the post held by respondent No.1 – workman through a service provider which showed that the work in respect of Cook was very much available with the appellant/petitioner-Society which was running an Old Age Home in Panchkula and when initial appointment of respondent No.1 - workman had been made by the appellant/petitioner – Society, question of reinstating respondent No.1 - workman through agency did not arise and in the circumstances, respondent No.1 - workman was required to be reinstated by the appellant/petitioner-Society particularly when the award of the Labour Court was against the appellant/petitioner-Society and not against the service provider.

[4] In view of the above, we find no ground whatsoever to interfere with the well-reasoned order passed by the Writ Court.

[5] Needless to mention, rejection of the prayer for interim relief is subject to the final outcome of the writ petition.

[6] Accordingly, finding no merit in the appeal, the same is dismissed in limine.

(Rajesh Bindal)
Judge

(B.S. Walia)
Judge

29.01.2018
amit

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No.