

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Letters Patent Appeal No. 156 of 2018 (O&M) in
CWP No. 4422 of 1998
Date of decision: 1.2.2018

Haryana Tourism Corporation

.. Appellant

v.

Murali Dhar and others

.. Respondents

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

Present: Mr. Padamkant Dwivedi, Advocate for the appellant.
Ms. Abha Rathore, Advocate for respondents No. 1 and 2.

...

Rajesh Bindal J.

The order dated 15.9.2017 passed by the learned Single Judge granting relief to respondents No. 1 and 2 has been impugned by filing the present intra-court appeal.

As per the material available on record, respondent No. 1 was engaged to work as Job Trainee or Practical Trainee Waiter in the appellant-Corporation on 26.7.1994. Training period was mentioned as two years, which was extendable for another six months. Completion of training was not to entitle respondent No. 1 regular job. He was relieved from training vide communication dated 26.11.1997 mentioning that training was successfully completed on 24.11.1997. If period of two years and six months, the maximum provided in the appointment letter, is considered, the same would have expired on 26.1.1997 and thereafter respondents No. 1 and 2 were permitted to work till 24.11.1997, i.e., more than 240 days.

The learned Single Judge, while granting relief, had referred to

Corporation Ltd., 2005(2) S.C.T. 837, where under identical circumstances, the person, who was appointed as Trainee Waiter, was granted relief opining that there was no mention of the provisions of the Apprentice Act, 1961 in the appointment letter as Job Trainee or Practical Trainee Waiter and further even the apprentices are covered under the provisions of the Industrial Disputes Act, 1947 (for short, 'the 1947 Act'). The petitioner before this Court in Full Bench had completed more than 240 days, hence, his termination was found to be in violation of the 1947 Act. The case in hand is also similar. Therefore, we do not find any error in the order passed by the learned Single Judge granting continuity of service. However, as fairly stated by learned counsel for respondents No. 1 and 2, they will forego the back wages granted.

Accordingly, the order passed by the learned Single Judge is modified only to the extent that respondents No. 1 and 2 shall be reinstated back in service with continuity, however, without any back wages.

The appeal stands disposed of accordingly.

(Rajesh Bindal)
Judge

(B. S. Walia)
Judge

1.2.2018
mk

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