

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

LPA No. 844 of 2018 (O&M)

Date of Decision: 11.12.2018

State of Haryana and another

.....Appellants

versus

Chander Pal and another

.....Respondents

CORAM: **HON'BLE MR.JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

Present : Mr. Deepak Balyan, Addl. Advocate General, Haryana,
for the appellants.
Mr. Rajbirinder Singh Chahal, Advocate, for respondent No.1.

KRISHNA MURARI, C.J.(oral)

CM Nos. 2332 and 2333-LPA of 2018

Heard. For the reasons mentioned in the applications, delay of 20 days in filing and 25 days in refiling in filing the appeal is condoned. Both the applications stand disposed of.

LPA No. 844 of 2018 (O&M)

This intra-court appeal filed by the State of Haryana is directed against the judgment and order of the learned Single Judge dated 25.01.2018 allowing the writ petition filed by the respondent herein challenging the award of the Labour Court.

Learned counsel appearing for the parties are not in dispute that in pursuance of the order dated 25.01.2018 passed by the learned Single Judge, respondent No.1 has been reinstated back in service. The only issue which requires consideration now is the payment of back wages as directed by the learned Single Judge.

Learned counsel appearing for respondent No.1 has made an offer that in case if he is awarded 50% of the back wages he shall not stake claim for the remaining 50% on the strength of the judgment passed by the learned Single Judge. Since respondent No.1 has already been reinstated back in service, in our considered opinion the offer made before us on behalf of respondent No.1 is fair, just and reasonable. Though Mr. Balyan, learned counsel appearing for the State of Haryana has resisted the same but in our considered opinion there exists no ground to interfere with the judgment of the learned Single Judge.

In view of the above, we dispose of the appeal by modifying the judgment of the learned Single Judge to the extent that on reinstatement of respondent No.1 already having been made, respondent No.1 would be entitled to 50% of the back wages from the date of termination till the date of reinstatement. We are sanguine that calculation of the payment of the amount due to respondent No.1 shall be made by the appellant expeditiously preferably within a period of two months from today.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

11.12.2018
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Whether speaking/reasoned	√Yes/No
Whether reportable	Yes/No√