

COCP-1148-2017

477

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

COCP-1148-2017

Date of Decision:-20.12.2019

Surender Kumar

... Petitioner

vs.

Kailash Chand Sharma and another

....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present:- None for petitioner in COCP No. 2180 of 2017

Mr. Rajesh Arora, Advocate
for the petitioner (in remaining petitions)

Mr. A.S. Virk, Advocate
for the respondents.

AVNEESH JHINGAN, J.(ORAL)

This order will dispose of COCP Nos. 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1308, 1311, 1309, 1310, 1523 and 2180 of 2017.

A dispute arose between workmen and Kurukshetra University, the matter was taken up with the Labour Court. Vide different awards of the Labour Court, the issues were partly decided in favour of the workmen, some of the claims were accepted and others were rejected. The matter came up in writ petitions filed by both the aggrieved parties. The writ petitions were disposed of vide common order dated 16.10.2015. At this stage, it would be relevant to reproduced para 31 of the judgment, which pertains to surviving controversy.

“31. As a result, the workers' writ petitions are allowed and their awards are upheld with a direction to the Kurukshetra University to pass fresh orders by considering cases of the workmen for regularization

on reinstatement keeping in mind the continuity of service granted by the Labour Court which push them back to their original status with a consequential right of consideration for regularization under notification dated 18th June, 2014 Anenxure 'B' placed along with the affidavit of the Registrar, Kurukshetra University, Kurukshetra dated 18th April, 2015 by legal fiction created by continuity of service granted to them.”

The learned counsel for the parties are *ad idem* that in pursuance to the judgment of this Court, the workmen have been reinstated and regularized. The only grievance survives is that vide order dated 10.05.2019 passed for regularization of the services of the workmen, the direction of this Court in the paragraph quoted above, have not been completely implemented.

The pin pointed grievance raised by learned counsel for the petitioner is that 50% backwages have not been fully paid and that all monetary benefits arising from the regularization have been paid rather were paid from the date of order of regularization.

Learned counsel appearing for the University-respondent, though defended the order dated 10.05.2019 by stating that it has been passed in compliance of the judgment of this Court, however, failed to substantiate from the order itself that there was consideration of the issues as required by the judgment.

In order to resolve the controversy, let the University pass a fresh order in accordance with law after providing opportunity of hearing to the petitioner, in accordance with law.

It is clarified that the passing of the fresh order will not affect the relief already granted to the petitioner.

It is desirable that the needful would be done by the University as expeditiously as possible and in case any amount is found due, same be

paid to the petitioner within three months from passing of the order.

The petitioners would be at liberty to avail remedies in accordance with law, in case aggrieved by the order passed by the University.

Disposed of.

Since main case is disposed of, no separate order is required to be passed on the pending applications.

**(AVNEESH JHINGAN)
JUDGE**

20.12.2019

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Whether speaking/reasoned
Whether Reportable:

Yes
Yes