

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

**CWP NO. 8413 OF 1991
DATE OF DECISION : 27.02.2019**

Gurdip Singh

...Petitioner

versus

**Deputy Registrar, Cooperative Societies
and another**

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Mohinder Singh Bedi, Advocate,
for the petitioner.

Mr. Abhay Pal Singh, AAG, Punjab.

Mr. K. S. Brar, Advocate,
for respondent No.2.

ARUN MONGA, J. (ORAL)

1. The present petition has been filed for issuance of a writ in the nature of certiorari to partly quash the impugned order dated 06.11.1990 (Annexure P-1) to the extent that the petitioner was deprived of his back wages from 06.10.1989 till 06.11.1990 i.e the date of passing of impugned order.

2. Succinctly put the case of petitioner is that he was working as sales man with the respondent No.2-society at the relevant time. He had made a complaint to the Assistant Registrar with regard to working of the society owing to which his employer issued charge-sheet to the petitioner. He states that

without granting any opportunity of hearing or without issuance of any show cause notice, services of the petitioner were dispensed with by the respondent-Society in its meeting called on 06.10.1989, even without there being any agenda for the same.

3. The petitioner had challenged the termination of his services by filing an appeal before the Deputy Registrar of the societies under Rule 15 of the Punjab Societies Service Rules, 1986. His appeal was allowed and the impugned order passed by the society was set-aside by the Appellate Authority. The Appellate Authority directed re-instatement of the petitioner, but without any back wages on the ground that he did not work with the society. Aggrieved against the non-payment of back wages, the present petition has been filed.

4. In the written statement filed by the contesting respondent No.2-society, a stand has been taken that back wages have been rightly declined to the petitioner on the principle of no work no pay. Apart from that, reliance has been placed on an award dated 30.01.1989 passed by the Labour Court, Bathinda in another proceedings which arose out of a separate cause of action qua the petitioner.

5. Record has been perused and learned counsel for the parties have been heard. I am of the view that the reliance placed by the respondents on the said award of Labour Court is misplaced. The claim in present petition is confined to a short period of 13 months during which the petitioner was out of

service following removal by the respondent-society and the Appellate Authority set-aside the order for said period. Nothing was produced on record to show that the petitioner was gainfully employed for the period of 13 months when he was out of job.

6. I, therefore, allow the present writ petition to the extent that the petitioner is held entitled to his back wages for the period of 13 months (06.10.1989 to 06.11.1990), when he was out of service of the respondent-society. The impugned order dated 06.11.1990 is accordingly modified and the respondent-society is directed to pay back the wages for the aforesaid period of 13 months to be calculated as per the petitioner's last drawn salary immediately before termination of his services along with interest @ 6% per annum with effect from the date of passing the impugned order till its actual payment.

(ARUN MONGA)
JUDGE

FEBRUARY 27, 2019

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| 1. | Whether speaking/reasoned : | Yes/No |
| 2. | Whether reportable : | Yes/No |