

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

CWP-3588-2002 (O&M)

Date of Decision: 21.08.2019

State of Haryana and another

... Petitioners

Vs.

Mohinder Singh and another

... Respondents

CORAM : HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present : Mr. Saurabh Mohunta, D.A.G. Haryana,
for the petitioners.

Mrs. Abha Rathore, Advocate
for the respondent No.1.

AUGUSTINE GEORGE MASI, J. (Oral)

CM-10651-2017

Prayer in this application is for early hearing of the main case.

The application is allowed and main case is taken on board for
final disposal.

Main case

Challenge in this writ petition is to the award dated 18.01.2001
passed by the Labour Court-II, Faridabad (Annexure P-1) vide which the
termination of the services of respondent No.1 were held to be illegal
directing his reinstatement in service with 30% back wages.

2. It is not in dispute that pursuant to the award dated 18.1.2001
respondent No.1 was reinstated in service on 6.5.2002 as a conductor.
During this period of service, he stands promoted to the post of Sub
Inspector on 7.7.2014 and has retired on 29.2.2016. It is also not in dispute
that during the period, he was reinstated in service and till his retirement,
there has been no reason for commenting upon adversely on the work and

conduct of the said respondent.

3. Learned counsel for the respondents submits that respondent No.1 gives up his claim of 30% back wages as has been ordered by the Labour Court-II, Faridabad vide award dated 18.01.2001 (Annexure P-1).

4. Keeping in view the peculiar facts and circumstances of the present case and subsequent reinstatement leading to his promotion and thereafter retirement, this Court would not like to go into the merits of the award and would dispose of the writ petition by upholding the award to the extent of reinstatement of respondent No.1 in service but without back wages.

5. It goes without saying that respondent No.1 would get continuity of service from the date of his termination till the date of his reinstatement but he would not be entitled to any actual financial benefits for the said period except that of notional benefits of pay fixation etc.

6. The writ petition stands disposed of in the above terms.

(AUGUSTINE GEORGE MASIH)
JUDGE

21.08.2019
rajeev

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No