

(106) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.5031 of 2017 (O&M)
Date of decision: 02.05.2019

M/s P.D. Aggarwal Infrastructures Ltd.

..... Petitioner

Versus

The Presiding Officer, Industrial Tribunal-cum-
Labour Court, Bathinda and another

.... Respondents

BEFORE: HON'BLE MR. JUSTICE B.S. WALIA.

Present: Mr. K.S. Brar, Advocate for the petitioner.
Mr. Ashish Gupta, Advocate for respondent No.2.

B.S. WALIA, J. (ORAL)

[1] Challenge in the writ petition is to award (Annexure P-4) dated 19.10.2016 passed by the learned Presiding Officer, Industrial Tribunal-cum-Labour Court, Bathinda (hereinafter referred to as 'the Tribunal') directing reinstatement of respondent No.2/workman with continuity in service along with 25% back wages w.e.f. the date of demand notice i.e. 08.08.2012 till his joining.

[2] During hearing, learned counsel for the petitioner confined his arguments for modification of the award by granting payment of lump sum compensation in lieu of reinstatement.

[3] On 23.04.2019, learned counsel for respondent No.2/workman stated that respondent No.2/workman was agreeable to a settlement in case in addition to the award of 25% back wages, respondent No.2/workman was paid an amount equivalent to the amount of back wages by way of compensation in lieu of reinstatement. The case was adjourned to today in order to enable learned counsel for the petitioner to obtain instructions.

[4] Learned counsel for the petitioner on instructions from Mohd.

claimed by respondent No.2/workman is exorbitant since respondent No.2/workman worked in the petitioner/Company only from 19.04.2009 till 09.12.2011 i.e. for a period of close to 2 years 8 months.

[5] In the light of the position as noted above, learned counsel for respondent No.2/workman on fresh instructions states that respondent No.2/workman is agreeable to settle the matter in case the petitioner is willing to make payment of ₹ 4,50,000/- in full and final settlement of the claim of respondent No.2/workman in lieu of reinstatement and award of 25% back wages.

[6] Learned counsel for the petitioner on instructions from Mohd. Younous Khan, Manager of the petitioner/Company states that the petitioner is agreeable to the demand of respondent No.2/workman.

[7] In view of the statement of learned counsel for the parties, the writ petition is allowed. Award of reinstatement with 25% back wages as passed by the learned Presiding Officer, Industrial Tribunal, Bathinda on 19.10.2016 is modified to the extent that in lieu of reinstatement with 25% back wages from the date of demand notice i.e. 08.08.2012 till date of joining, the petitioner/Company would make payment of ₹ 4,50,000/- in lump sum to respondent No.2/workman by way of demand draft within two weeks from today before the Executing Court in full and final settlement of his claim in terms of reinstatement with 25% back wages. In case, the payment is not made in the manner aforesaid, then the same shall carry interest @ 6% per annum till date of payment.

02.05.2019
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(B.S. Walia)
Judge

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