

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.18417 of 2015(O&M)
DECIDED ON : 16.03.2020

M/s P.P. Rolling Mills Manufacturing Pvt. Ltd.

...Petitioner

versus

Sanjay Upadhayay and anr.

...Respondents

CORAM : HON'BLE MR. JUSTICE GIRISH AGNIHOTRI

Present : Mr. Rohit Ahuja, Advocate
for the petitioner.

Mr. D.S. Dadwal, Advocate for
Ms. Abha Rathore, Advocate
for the respondents.

GIRISH AGNIHOTRI, J. (ORAL)

This order shall dispose of four writ petitions i.e. CWP Nos. 18417, 18440 of 2015, 19773 and 19774 of 2016. For ready reference, facts have been taken from CWP No.18417 of 2015.

Petitioners-M/s P.P. Rolling Mills Manufacturing Pvt. Ltd., has filed the present writ petition, *inter alia*, with a prayer to quash the award dated 10.11.2014 (Annexure P-5). Vide award dated 10.11.2014 (Annexure P-5), the reference has been decided in favour of workman and he has been held entitled to reinstatement in service with continuity in service and full back wages.

Records of the case show that on 02.09.2015 notice of motion was issued and reinstatement in service was stayed subject to provisions of Section 17-B of the Act.

Learned counsel for the petitioner further submits that in pursuance to the directions, wages under Section 17-B of the Act have been released.

Learned counsel for the respondents submits that if from the date of the award, total months are calculated i.e. w.e.f. 10.11.2014 till February 2020, wages for 17 months have not been released to them under Section 17-B of the Act.

On 20.02.2020, this Court had passed the following order:-

“Learned counsel for the petitioner has handed over two drafts to counsel for the workman, which would be payment for 17-B wages.

Learned counsel for the workman seeks time to get instructions.

Learned counsel for the petitioner submits that if the workman come out with the offer to forego the back-wages, subject to the above, the petitioner-Management is ready to take him in job and will not insist on the challenge to the award of reinstatement, as awarded by the Labour Court.

Let the parties make a definite offer on the next date of hearing.

List for final disposal on 16.03.2020. Photocopy of this order be placed on connected files of this case.”

Today on resumed hearing of the case, learned counsel for the petitioner informs the Court that he has instructions to submit that Management is ready to reinstate the workman in job however, without back wages. He submits that in case this offer is accepted by the workman, then they would not insist on the challenge in the present writ petition to the award of reinstatement, by the Labour Court.

The workmen, who are present in Court along with their

counsel submit that the above offer is acceptable. However, they submit that since they have suffered a lot during this period, and therefore, they be paid 17 months of arrears of wages under 17-B.

For the reasons mentioned above, this Court deems it appropriate to dispose of the present writ petitions with the following directions:-

- i) The petitioner would stand by its offer and allow the workmen to join their duties within one week from the date of receipt of certified copy of this order. It is also directed that the Management shall allow the workmen to continue in job till they retire unless there is any allegations of mis-conduct.
- ii) The petitioner shall pay Rs.1 lakh each to the workmen, which shall be full and final settlement of any financial claim by the workman including the arrears of wages under 17-B.
- iii) The workmen shall be entitled to continuity of service and other service benefits which are attached to the award of continuity of service but without back wages.

March 16, 2020
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(GIRISH AGNIHOTRI)
JUDGE

Whether speaking/reasoned : YES/NO
Whether reportable : YES/NO