

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.21061 of 2016
Date of Decision: 25.02.2020

Vasudha Devi

... Petitioner

VS.

PO, Labour Court-II, Faridabad & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. Deepak Sonak, Advocate for the petitioner

Mr. SS Saini, Advocate for respondent No.2

GIRISH AGNIHOTRI, J. (Oral)

(1) The present writ petition has been filed by the petitioner Vasudha Devi, *inter alia*, with a prayer to quash the award dated 30.07.2015 (P5) passed by the Labour Court-II, Faridabad.

(2) The pleaded case of the petitioner before the Labour Court as well as this Court is that the petitioner had been in continuous service of the respondent-management, however, because of illness of her son, she could not perform her duties after 10.09.2011. It is however, submitted that on 25.02.2012 when the petitioner approached the respondent-management, her request was accepted and she was allowed to resume her duties w.e.f. 27.02.2012. The dispute thereafter has arisen as the case of the petitioner is that in spite this she was not allowed to join and for this purpose she had made complaint to the Labour Court.

(3) Learned counsel for the respondent-management, however, submits that the case of the management on the other hand was that in fact the petitioner was not willing to join back despite various letters written to her i.e. on 07.03.2012, 15.03.2012 and 17.04.2012 through registered post.

(4) Both the counsels, after making submissions on merits reached to an agreement that the writ petition can be disposed of in the following terms:-

- (i) the management will offer the petitioner job in the same capacity w.e.f. 21.03.2020. She may offer herself for joining on or after 21.03.2020.
 - (ii) the work-lady petitioner however will not be entitled to any other monetary benefits. The period from 25.02.2012 till 21.03.2020 will be treated as period not spent on duty. She will not be entitled to any benefits for this period and the same will also not be counted for the purposes of Gratuity. However, the period during which the petitioner had effectively rendered her service will be counted for other service benefits.
 - (iii) The parties are directed to abide by the above terms.
- (5) Disposed of in above terms.

25.02.2020
Vvishal

(Girish Agnihotri)
Judge

- 1. *Whether speaking/reasoned?*
- 2. *Whether reportable?*

Yes/No
Yes/No