

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP No.22299 of 2017(O&M)
DECIDED ON : 19.02.2020

District Forest Officer, Kaithal

...Petitioner

versus

Ishwar and another

...Respondents

CORAM : HON'BLE MR. JUSTICE GIRISH AGNIHOTRI

Present : Ms. Safia Gupta, Assistant A.G., Haryana.

Mr. Anshul Jindal, Advocate for
Mr. Siddharth Gulati, Advocate
respondent No.1.

GIRISH AGNIHOTRI, J. (ORAL)

The present petition has been filed by petitioner-District Forest Officer, Kaithal, *inter alia*, praying for quashing the impugned award dated 26.04.2016 (Annexure P-7).

Vide award dated 26.04.2016 (Annexure P-7), the Labour Court has answered the reference in favour of the workman holding that the workman is entitled to be reinstated with continuity of service and 50% back wages from the date of termination till his reinstatement.

Records of the case show that notice of motion for 15.11.2017, in this case was issued on 28.09.2017 and it was ordered to be heard along with CWP No.19404 of 2014. On 12.07.2019, this Court had passed the following order:-

“Power of Attorney on behalf of respondent No. 1 filed in Court, taken on record. Counsel for respondent No.1 prays for an adjournment to seek instructions as to whether respondent No. 1 would give up his claim for back wages, as ordered by the Labour Court in its award dated 26.04.2016

(Annexure P-7).

Adjourned to 14.08.2019.

To be shown in the urgent list. ”

Today on resumed hearing of the case, learned counsel for respondent No.1 makes a statement that he has instructions to submit on behalf of respondent No.1 that he would forego his back wages if the petitioner would not insist upon challenge to the findings of the Labour Court qua reinstatement.

Learned counsel for the petitioner submits that if the respondent No.1 forego his claim for back wages, and since the workman had already been reinstated in service, the petitioner would not challenge the findings of the Labour Court qua reinstatement.

Both the parties are also agreeable that vide order dated 12.07.2019, the writ petition No.19404 of 2014 was disposed of and the same reads as under:-

“Challenge in this writ petition is to the Award passed by the Industrial Tribunal-cum-Labour Court, Ambala dated 05.12.2013 (Annexure P-5), whereby respondent No. 1-workman has been reinstated in service with 50% back wages from the date of termination till the date of reinstatement.

On the last date of hearing, this Court had observed that in case the back wages are given up by the workman-respondent No. 1, as ordered by the Industrial Tribunal-cum-Labour Court, the petitioners would not press the writ petition challenging the Award.

Learned counsel for respondent No. 1, on instructions from respondent No. 1-Ishma son of Sh. Ramji Lal, who is present in Court, states that he would give up the claim of back wages as awarded by the Labour Court in the light of the fact that he has been reinstated in service with all consequential benefits.

Counsel for the petitioners, on instructions from Sh. Alok Sheokand, Clerk, D.F.O. Kaithal, has acknowledged the

factum of the reinstatement of respondent No. 1.

In the light of the above, the Award passed by the Labour Court is modified to the extent that respondent No. 1 be reinstated in service with all consequential benefits without back wages.

The writ petition stands disposed of accordingly.”

In view of the above, writ petition is **disposed of** by modifying the award dated 26.04.2016 (Annexure P-7) to the extent that the workman will be entitled to reinstatement with continuity of service but without back wages (as the same have been foregone by the workman).

February 19, 2020

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**(GIRISH AGNIHOTRI)
JUDGE**

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