

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

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CWP No.19542 of 2017 (O&M)
DATE OF DECISION : 30th MAY, 2022

M/s. Fiori Creation Pvt. Ltd., Faridabad through its Manager

.... Petitioner

Versus

**Presiding Officer, Industrial Tribunal-cum-Labour Court-II,
Faridabad & another.**

.... Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

* * * *

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

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RAJBIR SEHRAWAT, J. (Oral)

The petitioner has filed this petition under Articles 226/227 of the Constitution of India, praying for issuance of a writ in the nature of certiorari quashing the award dated 23.02.2017 passed by Industrial Tribunal-cum-Labour Court-II, Faridabad (Annexure P-3); whereby the reference has been answered in favour of the respondent-workman and the respondent has been ordered to be reinstated in service with continuity of service and back wages @ 40% from the date of the demand notice; along with certain other prayers.

The counsel for the petitioner has submitted that the respondent has not appeared despite service. Moreover, the petitioner-employer is ready to reinstate the petitioner-workman into service but without back wages. It is also pointed out that even during the pendency of the proceedings before the Labour Court the respondent-workman had expressed his unwillingness to continue the case on his behalf.

Keeping in view the totality of the circumstances, particularly the fact that the respondent No.2-workman has not come present to contest the present case, it would be appropriate if the award passed by the Labour Court is modified in terms of the aforesaid prayer made by counsel for the petitioner.

Accordingly, while upholding the award passed by the Labour Court qua reinstatement, the part of the award relating to payment of back wages is set aside.

In view of the above, the award passed by the Labour Court is modified in the above terms.

The writ petition stands allowed partly.

30th MAY, 2022
'raj'

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>