

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

CWP-26182-2016
Date of Decision: 08.07.2022

Dan Singh

..... Petitioner

Versus

Zonal Manager, Punjab and Sind Bank and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Ram Pal Rana, Advocate,
 for the petitioner.

 Mr. R.N.Lohan, Advocate,
 for the respondents.

RAJBIR SEHRAWAT, J. (ORAL)

This is a petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari modifying the impugned award dated 18.02.2014 (Annexure P-3) passed by respondent No.2 to the extent that the petitioner has been denied the benefits of back wages, reinstatement on the same pay scale, seniority, increments, leave encashment; as also a writ of mandamus directing the respondent No.1 to reinstate the petitioner as peon on the same pay, which he was getting in his pay scale alongwith back wages, seniority, increments and leave encashment.

A perusal of the award shows that the Labour Court has not even discussed the evidence led by the respondent-employer before Labour Court after the departmental enquiry was held to be not proper; The petitioner-workman is even stated to have admitted the absence, as such. Despite this, the reinstatement of the petitioner has been ordered with

modification of terms of reinstatement. It appears that the Labour Court has exercised its power under Section 11-A of the Industrial Disputes Act, 1947 (hereinafter referred to as 'the Act') to protect the petitioner-workman; despite not recording the specific findings against the respondent-employer qua illegality of termination of service of the petitioner-workman. Once, the order is passed by the Labour Court, exercising its powers under Section 11-A of the Act, the petitioner cannot claim enhancement of the compassion shown by the Labour Court in its wisdom. Otherwise also, this Court does not find any ground to interfere with the relief granted by the Labour Court.

In view of the above, finding no merit in the present petition, the same is hereby dismissed.

(RAJBIR SEHRAWAT)
JUDGE

08.07.2022
adhikari

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No