

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

228

CWP No.21585 of 2019

DATE OF DECISION : 25th MAY, 2022

**Engineer-in-Chief, PWD PH, Engineering Branch Panchkula,
Haryana & others**

.... Petitioners

Versus

Mahesh Kumar Saini & another

.... Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

* * * *

Present : Mr. Harish Rathee, Deputy Advocate General, Haryana.

Mr. Amandeep Rana, Advocate for respondent No.1.

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RAJBIR SEHRAWAT, J. (Oral)

This is a petition filed under Articles 226/227 of the Constitution of India seeking issuance of a writ of certiorari for quashing of impugned award dated 03.12.2018 (Annexure P-7) passed by respondent No.2.

Referring to the documents placed on record, learned counsel for the petitioners has submitted that the respondent-workman has been employed alongwith the other similarly situated persons. Though, the order of appointment of the respondent-workman, issued by the petitioners, stipulates the appointment to be subject to the decision of the present petition, however, the respondent-workman will continue so long as the other similarly situated persons, but junior to the respondent-workman; continue.

Learned counsel for the respondent-workman, after getting instructions from the respondent-workman, has submitted that the respondent-workman is ready to forego even the back wages, if the petitioners retained him in service, at least, till his juniors are retained.

In view of the above, the present petition is disposed of by modifying the impugned award that the respondent-workman shall not be entitled to any back wages till the period he has been re-employed by the petitioners. However, the respondent-workman shall be entitled to continue in re-employment pursuant to his current appointment, at least, till any person junior to him is retained by the petitioners. The re-employment of the respondent-workman shall not be taken as subject to the outcome of the writ petition for any duration or for any other purpose whatsoever.

It is further clarified that this order shall not be taken as an order adverse to the respondent-workman in any respect qua any other claim which may accrue to the respondent-workman on the strength of service now being rendered by the respondent-workman.

25th 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>