

221

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

**LPA-963-2018 (O&M)
Date of decision : 22.08.2022**

**PRINCIPAL, GOVT. SENIOR SECONDARY SCHOOL,
YAMUNANAGAR**

..... PETITIONER

VS

GOVARDHAN DASS AND ANR.

..... RESPONDENTS

**CORAM : HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR.JUSTICE ALOK JAIN**

Present :- Mr. Deepak Bhardwaj, Deputy Advocate General, Haryana.
for the appellant.

Mr. Ravinder Jain, Advocate for the respondents.

AUGUSTINE GEORGE MASIH, J. (Oral)

CM-2569-LPA-2018

Prayer in this application is for condonation of delay of 33 days in re-filing the appeal.

For the reasons mentioned in the application, which is duly supported by an affidavit of Principal, Govt. Sr. Secondary School, Kalawar, Tehsil Jagadhri, District Yamuna Nagar, prayer made in this application is accepted and the delay of 33 days in re-filing the appeal stands condoned.

CM-2570-LPA-2018

Prayer in this application is for condonation of delay of 04 days in filing the appeal.

For the reasons mentioned in the application, which is duly supported by an affidavit of Principal, Govt. Sr. Secondary School, Kalawar, Tehsil

Jagadhri, District Yamuna Nagar, prayer made in this application is accepted and the delay of 04 days in filing the appeal stands condoned.

LPA-963-2018

Challenge in this appeal is to the judgment passed by the learned Single Judge dated 27.02.2018 whereby the writ petition preferred by the respondent/appellant-Govardhan Dass, the workman, challenging the award passed by the Labour Court dated 29.01.2009 (Annexure P-6) has been set aside and the respondent has been ordered to be taken back in service as a Sweeper with 50% back wages.

It is the contention of learned counsel for the appellant that while passing the impugned order dated 27.02.2018, the learned Single Judge has not assigned any reason to set aside of the award of the Labour Court. Merely by referring to the period of service rendered by the respondent-workman without referring to any evidence or the pleadings, the Court has proceeded to allow the writ petition. Thus, he contends that the well-reasoned order passed by the Labour Court dismissing the reference could not be interfered with.

On the other hand, learned counsel for the respondent-workman has made valiant effort to defend the order passed by the learned Single Judge. He, however, was unable to satisfy the Court with reference to the said impugned order of the learned Single Judge as to the reason for accepting the prayer made in the writ petition.

Having considered the submissions made by learned counsel for the parties and keeping in view the order passed by the learned Single Judge dated 27.02.2018 we do not find any reason for ordering reinstatement of the respondent in service with 50% back wages. We set aside the said order and remand the case back to the learned Single Judge for fresh decision on merits.

Counsel for the respondent has submitted that the services of the respondent, who was working as Sweeper, were terminated on 21.09.2006, and therefore, the writ petition may be ordered to be decided at an early date.

In the light of the above, we would request learned Single Judge to make an endeavour to decide the writ petition at an early date.

Parties are directed to appear before the learned Single Judge on 20.09.2022.

Registry is directed to list the writ petition on the said date.

In view of the disposal of the main case, no orders are required to be passed in all the pending civil misc. applications and the same also stand disposed of.

(AUGUSTINE GEORGE MASIH)
JUDGE

(ALOK JAIN)
JUDGE

22.08.2022
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Whether speaking/reasoned Yes/No

Whether Reportable Yes/No