

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

CWP-10367-2012

Date of decision : 27.01.2023

Children Memorial Senior Secondary School

...Petitioner

Vs.

**The Presiding Officer,
Labour Court, Patiala and another**

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. GPS Bal, Advocate for the petitioner.

Mr. Raj Kaushik, Advocate for respondent No.2.

MANOJ BAJAJ, J.

Petitioner has approached this Court under Article 226 Constitution of India for issuance of a writ by way of directions to respondents for setting aside the impugned award dated 09.09.2011 (Annexure P-8), passed by Industrial Tribunal, Patiala whereby workman-respondent No.2 was reinstated with continuity of service with 50% back wages.

Learned counsel for the petitioner submits that while hearing the writ petition on merits on 12.02.2018, this Court had passed the following order:-

“Respondents-workmen are stated to have rendered 12 years of service as a Peon and Chowkidar. Learned counsel for the petitioner is hereby directed to get instructions either to implement the award passed by the labour court or to pay compensation of Rs.4 Lacs to each of the workman in lump-sum and settle once for all in view of the Supreme Court decision viz; Bharat Sanchar Nigam Limited versus Bhurumal reported in 2014(7) SCC 177.

List this matter on 28.02.2018.

Photocopy of this order be placed on the file of other connected case.”

Today, learned counsel for the petitioner/management has produced the affidavit of workman, who is also present in the Court to contend that the dispute between the parties is amicably settled and workman is being paid Rs.2,50,000/- through cheque bearing No.03764 dated 27.01.2023, towards his full and final settlement. According to him, the grievance of the workman stands redressed, therefore, in view of the compromise, the writ petition be disposed of.

Learned counsel appearing on behalf of the workman does not dispute the above position and states that indeed the settlement between the parties is arrived at and he has given up his claim of reinstatement etc. He also states that he has no objection, if the order of the Labour Court is modified in terms of compromise, and affidavit of workman.

The copy of the affidavit dated 24.01.2023 is taken on record.

In view of the above, the award dated 09.09.2022 (Annexure P-8) passed by learned Industrial Tribunal, Patiala is modified and it is ordered that the rights of the parties shall be governed by the above settlement.

As the main case is decided, therefore, pending miscellaneous application(s), if any, be treated as disposed of.

(MANOJ BAJAJ)
JUDGE

27.01.2023
vanita

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