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

**CWP-25678-2013 (O&M)
Date of Decision: 17.04.2023**

Kamal

.. Petitioner**Vs.**

Presiding Officer, Industrial Tribunal-cum-Labour Court, Hisar and another

..Respondents**CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. Sandeep Thakan, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this writ petition under Article 226 Constitution of India seeking a writ in the nature of Certiorari for quashing the award dated 28.01.2013 (Annexure P-3) passed by respondent No.1, whereby he was ordered to be reinstated in service, but without back wages.

Learned counsel has argued that the petitioner was engaged as Chowkidar/Guard at Rani Jhansi Laxmi Bai Govt. Plytechnic Loharu, District Bhiwani on 10.01.2010 and he worked on the said post continuously upto 15.06.2011 and w.e.f. 16.06.2011 his services were terminated. Learned counsel submits that the petitioner raised the demand notice on 01.07.2011, whereupon the industrial dispute reached before respondent No.1-Tribunal. Learned counsel has argued that the labour Court decided the material issue relating to the illegal termination of the petitioner/workman from service in his favour, but while awarding the relief of reinstatement in service through the impugned award, no backwages were granted. He submits that once the termination of services of the

workman was bad in law, therefore, there was no reason to decline the relief of backwages. He prays that the impugned award be modified only to the limited extent and the petitioner be granted backwages.

On the other hand, learned State counsel has argued that labour Court has examined the pleadings and evidence on record carefully while refusing the backwages to the petitioner on the ground that he did not work for the said period. Mr. Parmar, learned State counsel submits that the impugned award does not call for any interference and the petition be dismissed.

During the course of hearing, it is not disputed by learned counsel for the parties that pursuant to the impugned award dated 28.01.2013, the petitioner stands re-instated in service and is working with respondent No.2.

Upon hearing the rival submissions of the learned counsel for the parties and examining the case file carefully, this Court finds that concededly, the workman worked with the respondent No.2 for a short period for a year and few months, w.e.f. 10.01.2010 to 15.06.2011 as Chowkidar/Guard. According to the stand of the management, the work and conduct of the workman was not satisfactory, therefore, his services were dispensed with, but the labour Court did not find any merit in the said plea while ordering his reinstatement. After removal from service in June, 2011, the workman raised the industrial dispute and the impugned award was delivered in his favour in January, 2013. There is nothing on record to indicate that for all this period, the petitioner was not gainfully employed. Apart from it, a perusal of the impugned award reveals that the labour Court, Hisar has taken into consideration the entire facts and evidence on

record while ordering petitioner's reinstatement in service and denying backwages. Thus, the impugned award does not call for any interference.

Dismissed.

17.04.2023
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No