

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

CWP-8506-2013

Date of decision : 15.05.2023

Ram Bali Yadav

...Petitioner

Vs.

**Presiding Officer, Labour
Court-cum-Industrial
Tribunal, U.T.Chandigarh
and another**

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. N.K.Nagar, Advocate for the petitioner.

Mr. A.S.Pannu, Advocate for
Mr. Vikas Singh, Advocate for respondent No.2.

MANOJ BAJAJ, J.

Petitioner has filed this writ petition under Article 226 Constitution of India for issuance of a writ in the nature of certiorari to challenge the impugned award dated 20.04.2011 (Annexure P-9), only to the limited extent whereby the Industrial Tribunal & Labour Court, Union Territory Chandigarh while ordering his reinstatement has awarded 60 % back wages instead of full back-wages.

Learned counsel submits that the petitioner joined his service as Helper with respondent No.2 in the year 1980 and continued to work sincerely, however, on 27.10.2001, the Managing Director of respondent No.2/management removed him from service illegally in violation of the provision of Industrial Disputes Act, 1947, whereupon the petitioner raised industrial dispute and through award dated 20.04.2011 (Annexure P-9), the Labour Court ordered petitioner's reinstatement alongwith 60% back-wages.

He submits that once the petitioner's removal was found to be illegal, the Labour Court while ordering reinstatement ought to have awarded 100 % back wages. Learned counsel has argued that because of his illegal removal, he was deprived of his contribution to provident fund as well as equal wages drawn by employees, who were engaged alongwith the petitioner or who were junior to him. He submits that the impugned award be modified, and the petitioner be granted full back wages.

The prayer is opposed by learned counsel for the respondent No.2, who has argued that the Labour Court has carefully examined the background of the labour dispute raised by the petitioner and adequately granted back-wages to him and the impugned award does not call for any interference by this Court.

During the course of hearing, it is pointed out by learned counsel for the petitioner that subsequently another labour dispute arose between the parties, through reference No.39-2015 and it was again answered in favour of petitioner by Labour Court vide award dated 28.02.2018, thereby again ordering his reinstatement with 40% back-wages.

After hearing learned counsel for the parties and considering the pleadings, this Court finds that the management immediately in response to the claim by workman submitted their written statement dated 27.10.2003 and offered the workman to again join his service. Further, as per the petitioner's own pleadings contained in para 6 of the writ petition, the workman during the pendency of the dispute before the Labour Court accepted the offer and joined his duties on 01.11.2007. The Labour Court has carefully noticed the pleadings of the parties as well as evidence on record, while passing the award dated

20.04.2011 in favour of the workman and the consequential relief of back-wages, in the facts and circumstances of the case is appropriate.

Resultantly, no ground is made out for exercise of extra ordinary writ jurisdiction under Article 226 Constitution of India.

Petition is dismissed.

(MANOJ BAJAJ)
JUDGE

15.05.2023

vanita

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