



202-1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1) CWP-11649-1996
Date of Decision:12.12.2024

EXECUTIVE ENGINEER ELECTRICAL DIVISION NO.2,
UNION TERRITORY, CHANDIGARH Petitioner

Versus

JAMAL MASIH AND ANR. Respondents

2) CWP-11650-1996

EXECUTIVE ENGINEER ELECTRICAL DIVISION NO.2,
UNION TERRITORY, CHANDIGARH Petitioner

Versus

BACHAN SINGH AND ANR.Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. M.K. Dogra, Addl. Standing Counsel U.T. Chandigarh
for the petitioner in both cases.

Mr. Tahaf Bains, Advocate
for respondent No.1 in both cases (Through V.C.).

JAGMOHAN BANSAL, J. (Oral)

1. By this common order CWP-11649-1996 and CWP-11650-1996 are disposed of since issues involved in the captioned petitions and prayer sought are common. With the consent of parties and for the sake of brevity, facts are borrowed from CWP-11649-1996.
2. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of Award dated 12.12.1995 (Annexure P-1) whereby Labour Court has held the workman entitled to work till the age of 60 years.



3. The petitioner is an instrumentality of U.T. Chandigarh and respondent is its ex-employee. The workman served a demand notice and matter came to be referred to Labour Court in terms of Section 10 read with Section 33A of Industrial Disputes Act, 1947 (for short ‘1947 Act’). The workman was claiming that he belongs to Group D and his age of retirement should be 60 years whereas petitioner-Management was claiming that workman belongs to Group C and his age of retirement is 58 years. The impugned order was passed on 12.12.1995 (Annexure P-1).
4. Mr. M.K. Dogra, Addl. Standing Counsel U.T. Chandigarh for the petitioner has confirmed that workman retired prior to passing of impugned order.
5. Mr. Tahaf Bains, Advocate for respondent No.1 submits that he has no instructions from his client.
6. A period of more than three decades has passed away and impugned order has lost its significance in view of the fact that workman retired even prior to passing of impugned order.
7. In the wake of aforesaid peculiar facts, both petitions stand disposed of. The impugned orders would not create any right in favour of workmen and they are at liberty to move an appropriate application within three months from today, if cause survives.

(JAGMOHAN BANSAL)
JUDGE

12.12.2024
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No