

CWP-12038-1999

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

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Date of Decision : 19.12.2024

STATE OF HARYANA

.... PETITIONER

V/S

BALDEV SINGH (SINCE DECEASED) THROUGH LRS AND ANR

.... RESPONDENTS

CORAM : HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present :- Mr. Raman Sharma, Addl.A.G., Haryana.

Mr.Harish Bhardwaj, Advocate
for LR's of respondent No.1.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of award dated 05.03.1999 (Annexure P-10) whereby Industrial Tribunal-cum-Labour Court, Panipat answered the reference in favour of the workman.

2. The conceded position emerging from the record is that the workman was appointed on 01.09.1990 as Watchman and terminated on 21.02.1994. On his application, the matter was referred to Industrial Tribunal which vide impugned award dated 05.03.1999 answered the reference in his favour. The workman was actually reinstated on 25.10.2001, however, he was not paid wages at DC rates whereas he was



paid last drawn salary plus allowances. He served till 2011 and passed away in harness. His wife was extended financial assistance as per policy of State Government.

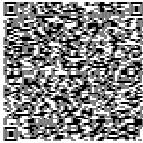
3. Counsel for the parties concede that on account of death of workman, question of reinstatement does not survive. This Court also does not find it appropriate to consider question of validity of reinstatement in view of the death of workman.

4. The question that survives for the adjudication of this Court is the quantum of back wages as well as wages paid during the pendency of present petition.

5. The Labour Court has awarded full back wages. The workman in view of impugned order is entitled to wages for the period from February' 1994 to October' 2001 (date of reinstatement). As confirmed by Mr. Raman Sharma, the workman after reinstatement was paid last drawn salary plus allowances which may or may not be less than DC rates.

6. To avoid multiplicity of litigation and calculation, I hereby direct the petitioner to pay lump sum Rs.1,60,000/- to LR's of workman within two months from today failing which it would be liable to pay interest @ 12% per annum.

7. The workman after reinstatement was entitled to wages at DC rate. If on account of pendency of instant petition, he was paid less than DC rates, LR's of workman are at liberty to calculate wages at DC rate and submit to petitioner who will verify calculation and thereafter release the differential amount within two months from the date of



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submission of calculation.

- 7. Disposed of.
- 8. Pending miscellaneous application (s), if any, shall also stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

19.12.2024
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Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No