

CWP-17092-1997 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CM-3968-CWP-2024 IN/AND
CWP-17092-1997 (O&M)
Decided on : 04.04.2024

Raghubir Singh

. . . Petitioner(s)

Versus

The Presiding Officer, Labour Court,
Chandigarh and another

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Kartikey Chaudhary, Advocate for
Mr. Samrat Malik, Advocate
for the applicant-petitioner.

SANJAY VASHISTH, J. (Oral)

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I. This is an application under Order IX Rule 9 read with Section 151 CPC, for seeking recalling/restoration of the order dated 21.02.2024, whereby, the writ petition was dismissed for want of prosecution.

II. After hearing learned counsel for the applicant-petitioner and perusing the contents of the application, which is duly supported by an affidavit of the applicant-petitioner, prayer made in the application is allowed and the writ petition is ordered to be restored to its original number.

CM stands disposed of.

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1. On oral request of counsel for the petitioner, main case is taken up for hearing today itself.
2. Petitioner – Raghubir Singh (being workman) has filed the present writ petition for quashing of the award dated 10.09.1996 (Annexure

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P-1), passed by the learned Labour Court, Chandigarh, whereby, although reference i.e. IDR No.77/1993, under Section 10(1)(C) of the Industrial Disputes Act, 1947 (in short, 'ID Act'), has been answered in his favour, but instead of full back-wages, merely 50% back-wages have been granted.

Thus, the petitioner – workman has sought for grant of complete and full back-wages by way of present writ petition.

2. Plead case of the workman is that he was appointed as clerk by respondent No.2 - the Haryana State Cooperative Housing Federation Limited (Management) on 31.10.1985 and later on, was confirmed on 10th January, 1987. He was placed under suspension on 16.01.1992, and after holding an inquiry, he was terminated from service on 03.06.1992. Workman issued the demand notice on 12.10.1996.

On thoroughly examining the pleadings and the evidence led by the parties and the manner of inquiry conducted by the Management, learned Labour Court reached to the conclusion that termination order is illegal and thus, ordered for reinstatement along with continuity in service with 50% back-wages.

3. While considering the prayer of the petitioner to grant full back-wages, this Court wanted to know the monthly wages of the workman at the time of his termination, however, petitioner was unable to point out any specific wages being drawn by the workman, as there is nothing mentioned about the monthly wages of the workman in the award or in the pleadings of the writ petition. Moreover, industrial dispute in the present case was raised about 31 years back.

4. Counsel for the petitioner has informed that after attaining the age of superannuation, petitioner – workman has already retired on

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30.09.2020.

5. In view of above, without taking into consideration the totality of facts & circumstances of the case, including the monthly wages etc., to reach to the conclusion whether the workman was gainfully employed or not somewhere else, the prayer made in the present writ petition cannot be entertained at this stage. Accordingly, present writ petition is **dismissed** without any interference with the award.

(SANJAY VASHISTH)
JUDGE

April 04, 2024

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No