



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

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**CWP-16535-2000 (O&M)
Date of decision: 20.08.2024**

THE KARNAL CENTRAL COOPERATIVE BANK LTD.

....PETITIONER

Vs.

**PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, PANIPAT AND ANOTHER**

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. S.S. Dalal, Advocate
for the petitioner.

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 whereby Labour Court has answered the reference against the Management.
2. The Labour Court has ordered to reinstate the workman with full back wages. The workman was retrenched in 07.01.1993. The Labour Court passed award on 22.08.2000. Meaning thereby, a period of 30 years from the date of retrenchment and 24 years from the date of award has passed away. The impugned order was stayed on 04.12.2000 and management was directed to pay to workman, in terms of Section 17-B of Industrial Disputes Act, 1947 (for short '1947 Act'), during the pendency of present petition.
3. Mr. S.S. Dalal, Advocate submits that management is unable to comply with Section 17-B of 1947 Act because workman is not coming forward.

His whereabouts are not known to them.



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4. Keeping in mind paras 50-52 of judgment of Supreme Court in ***Central Council for Research in Ayurvedic Sciences and another v. Bikartan Das and others, 2023 SCC OnLine SC 996*** and to put the litigation to rest, this Court considering the length of service and last drawn pay of the workman; efflux of time; change of circumstances; inaction of workman to claim wages in terms of Section 17-B of 1947 Act and directions of Tribunal, deems it appropriate to dispose of instant petition with a direction to the management to pay to workman backwages in terms of Section 17-B of 1947 Act, if he contacts them within 6 months from today.

5. Disposed of in above terms.

6. Pending miscellaneous application(s), if any, shall also stand disposed of.

20.08.2024
manoj

[JAGMOHAN BANSAL]
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No