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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1) CWP-18979-1997 (O&M)
Date of Decision:11.11.2024

AMRITSAR IMPROVEMENT TRUST Petitioner

Versus

RAMESH KUMAR Respondent

2) CWP-18982-1997 (O&M)

AMRITSAR IMPROVEMENT TRUSTPetitioner

Versus

PRESIDING OFFICER & ORSRespondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Sandeep Khunger, Advocate
for the petitioner.

Mr. Prateek Mahajan, Advocate with
Mr. Daanish Mahajan, Advocate
for respondent No.1.

JAGMOHAN BANSAL, J. (Oral)

1. By this common order CWP-18979-1997 and CWP-18982-1997 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-18979-1997.

2. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of Award dated 20.03.1997 (Annexure P-3) whereby Labour Court has answered the reference in favour of the workman.

3. The workman joined petitioner trust in 1977. He came to be

terminated vide order dated 04.06.1988. The matter was referred to Labour Court which vide impugned award dated 20.03.1997 ordered to reinstate him with full back wages and continuity of service.

4. Learned counsel for the parties are ad idem that workman was taken back in service and he superannuated in 2019 after completing service of more than 20 years. A dispute qua reinstatement does not survive.

5. Mr. Prateek Mahajan, Advocate for respondent No.1 submits that grievance of workman would be redressed, if benefit of continuity of service is granted.

6. Faced with this, Mr. Sandeep Khunger, Advocate for the petitioner submits that benefit of back wages may not be granted to workman.

7. Considering the statement of both sides and the fact that workman was reinstated and has superannuated after performing duty of about 20 years, this Court finds it appropriate to modify impugned order to the extent that workman would not be entitled to back wages. Let the needful be done within 2 months from today.

8. Disposed of in above terms.

9. Pending misc. application (s), if any, shall also stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

11.11.2024
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No