

2024:PHHC:098917



CWP-4117-2000 (O&M) 1

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

208

CWP-4117-2000 (O&M)
Date of Decision : 02.08.2024

DALEEP SINGH

.... PETITIONER

V/S

GURU NANAK DEV UNIVERSITY, AMRITSAR & ANOTHER

.... RESPONDENTS

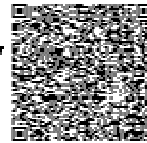
CORAM : HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Daanish Mahajan, Advocate for
Mr. Prateek Mahajan, Advocate
for the petitioner.

Mr.M.K.Dogra, Advocate
for the respondent-University.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking modification of award dated 06.04.1998 to the extent he has been awarded back wages @ 25%.
2. The petitioner was engaged by respondent-University as Beldar w.e.f. 15.12.1971. He was terminated in November' 1990. He served demand notice upon respondents on 15.10.1991. On his request, the matter was referred to Labour Court which vide award dated 06.04.1998 ordered to reinstate him with continuity of service. With respect to back wages, the Labour Court formed an opinion that workman is entitled to 25% of back wages from the date of demand notice.



3. The petitioner is claiming that he should be awarded 100% of back wages.

4. Concededly, the petitioner was reinstated and he has completed his term of service. The Labour Court has granted him 25% of back wages considering the fact that he was doing work as Mason. The Tribunal has considered the fact that it is not believable that a workman remained out of job or that he was not gainfully employed 1990 onwards. For the purpose of survival, he must have worked.

5. Considering the findings of Labour Court, judgment of Supreme Court in Central Council for Research in Ayurvedic Sciences and another vs. Bikartan Das and others 2023 SCC Online SC 996 and the fact that the petitioner was reinstated and the management accepted the order of reinstatement, this Court does not find any reason to interfere.

6. Dismissed.

(JAGMOHAN BANSAL)
JUDGE

02.08.2024
anju

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