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

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**CWP-5063-2000 (O&M)
Decided on : 27.02.2024**

General Manager,
Punjab Roadways, Tarn Taran and others

. . . Petitioner(s)

Versus

Mehar Singh and others

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Brijesh, AAG, Punjab.

Mr. Prateek Mahajan, Advocate and
Ms. Saloni Sharma, Advocate
for respondent No.1.

SANJAY VASHISTH, J. (Oral)

1. Present writ petition has been filed by the General Manager, Punjab roadways, Tarn Taran (being Management), by challenging the award dated 27.03.1990 (Annexure P-1), passed by the Labour Court, Amritsar, whereby, industrial dispute raised by respondent No.1 – Mehar Singh (workman), vide reference No.10 of 1982 under Section 10(1)(C) of the Industrial Disputes Act, 1947 (in short, 'ID Act'), has been answered in favour of respondent No.1 – workman.

Besides, quashing of order dated 17.08.1999 (Annexure P-2) has also been sought, whereby, learned Lok Adalat, Punjab and Haryana High Court at Chandigarh, directed the petitioner – Management to pay 50% back-wages to respondent No.1 with continuity in service.

2. Learned Labour Court while passing the impugned award dated 27.03.1990 (P-1) held that the termination of the workman in question is

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neither justified nor in order, and thus, directed the workman to be reinstated with continuity in service with full back-wages.

3. Earlier, when same award was challenged by way of CWP-751-1993 (earlier petition), this Court referred the matter to the learned Lok Adalat, Punjab and Haryana High Court at Chandigarh, for settlement of the dispute amicably. Before the learned Lok Adalat, statement of the counsel for the workman to forego the 50% back-wages was recorded and accordingly, learned Lok Adalat vide its order dated 17.08.1999 (P-2), ordered for payment of the 50% back-wages.

This is how both the orders are under challenge by way of present (second) writ petition.

4. Counsel for the parties from both the sides inform this Court that after passing of the impugned award, direction *qua* reinstatement was implemented and after joining the services, the workman – Mehar Singh, worked under the petitioner – Management, and thereafter, he has even retired from service long back i.e. on 31.12.2004.

Thus, the question before this Court is only in regard to the payment of back-wages.

5. I have taken into consideration the facts and circumstances and am of the view that there was no occasion for the learned Lok Adalat to issue a mandate for payment of 50% back-wages only, without there being any concession by the petitioner i.e. General Manager, Punjab Roadways, Tarn Taran.

6. Since, no such consent was ever recorded of the petitioner – Management, in order dated 17.08.1999 (P-2), petitioner – Management is not bound to be abide by the said direction, passed therein.

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7. On this issue, Mr. Prateek Mahajan, Advocate, representing the workman (respondent No.1) submits that once, inquiry has been found to be against the provision of law, there is no question of stopping the entitlement of the workman towards the back-wages.

8. This Court realizes that learned Labour Court has held entitlement of workman for 100% full back-wages without making any discussion and recording of finding thereto, as to whether the workman was gainfully employed anywhere or in any other institution or not. Therefore, applying the principle of equity, the amount of 100% back-wages/full back-wages is reduced to 25%. However, rest of the findings given in the award would remain intact.

Accordingly, writ petition is **disposed of** with aforementioned observations.

Pending misc. application(s), if any, also stands disposed of.

(SANJAY VASHISTH)
JUDGE

February 27, 2024

J.Ram

Whether speaking/reasoned: ✓ Yes/~~No~~

Whether Reportable: ~~Yes~~/No ✓