

CWP-538-2000 (O&M) 1

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

210 CWP-538-2000 (O&M)
Date of Decision : 30.07.2024

THE GENERAL MANAGER, PUNJAB ROADWAYS, ROPAR

.... PETITIONER

V/S

PAWAN KUMAR AND OTHERS

.... RESPONDENTS

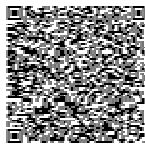
CORAM : HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present :- Mr. Aman Dhir, DAG, Punjab
for the petitioner.

Mr. Amit Jain, Sr. Advocate with
Mr. Anupam Mathur, Advocate
for the respondent.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner-State through instant petition under Articles 226 and 227 of the Constitution of India is seeking setting aside of order dated 17.08.1999 (Annexure P-2) passed by Lok Adalat whereby the State was ordered to pay 70% of back wages as ordered by Industrial Tribunal.
2. Mr. Aman Dhir, DAG, Punjab, relying upon the judgment of Division Bench of this Court in **Sham Lal Sharma vs. State of Haryana, 2002 (2) SCT 287** and Supreme Court in **State of Punjab vs. Mohinderjit Kaur, 2005 (2) SCC 743** submits that Lok Adalat cannot act as an



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adjudicating authority, thus, impugned order passed by Lok Adalat is unsustainable.

3. Mr. Amit Jain, Sr. Advocate submits that as per recent judgment of Supreme Court in Canara Bank vs. G.S. Jayarama, 2022 (7) SCC 776, a permanent Lok Adalat can adjudicate the dispute, however, National Lok Adalat or Lok Adalat cannot adjudicate the same.

4. In the case in hand, the impugned order was not passed by Permanent Lok Adalat, thus, the impugned order is not sustainable.

5. The petition is allowed and the impugned order is set aside. The respondent is at liberty to avail remedies, as permissible by law, as impugned order was passed during the pendency of CWP No.17093 of 1992.

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

(JAGMOHAN BANSAL)
JUDGE

30.07.2024
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Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No