

CWP-6988-1997

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Decided on : 14.02.2024

Mohinder Singh

. . . Petitioner(s)

Versus

The Presiding Officer, Labour Court,
Patiala and others

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Gurmeet Singh Saini, Advocate
for the petitioner(s).

Mr. Kulraj Rai, Sr. DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. Present writ petition has been filed in the year 1997 by the petitioner – Mohinder Singh (workman), for seeking modification of the award dated 22.03.1994 (Annexure P-4), passed by learned Presiding Officer, Labour Court, Bathinda (for brevity, ‘learned Labour Court’), vide which, reference No.219/92, has been answered almost completely in favour of the workman – Mohinder Singh.

2. Relevant paragraph Nos. 6, 7 & 8 of the impugned award in that regard are reproduced herein-below:-

“6. Even as per details of service given in the written statement itself, it cannot be said that workman had not worked for 240 days within the meaning of Sec. 25B of the Act and hence, it be said that provisions of section 25F of the Act were not attracted when the Workman was weeded out on 9th July, 1988 for one reason of the other.

7. Without elaborating further and without discussing evidence witness wise, I have no hesitation to hold that termination of the workman by the management, under the circumstances were neither

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justified nor in order. It is so held in this issue is decided against the management.

8. Reference is answered in the negative, management is enjoined upon to reinstate the workman with continuity of service. So far as back wages are concerned, they are also allowed but w.e.f. 3rd October, 1991 the date of demand notice under section 2-A of the Act. No order as to costs.”

3. Still, being dis-satisfied, petitioner – workman is before this Court for claiming the back-wages from the date of his dismissal from the service i.e. 09.07.1988.

4. This Court has noticed a fact recorded in the order dated 18.10.2016, that in pursuance to the award in question before this Court, petitioner had been reinstated, and thereafter, superannuated also. Still, petitioner wants back-wages for the period w.e.f. 09.07.1988 to 02.10.1991.

5. This Court has further noticed that already full back-wages were granted and the same were granted w.e.f. the date of the demand notice i.e. 03.10.1991. The reasoning given by the learned Labour Court seems to be genuine and as per law. Therefore, this Court, does not find any plausible and substantial reason to deviate from the view point taken by learned Labour Court.

Hence, while maintaining the award dated 22.03.1994 (P-4), passed by learned Labour Court, present writ petition is **dismissed** without any interference.

(SANJAY VASHISTH)
JUDGE

February 14, 2024

J.Ram

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