



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

210

CWP-14389-2004

Date of Decision : 30.09.2024

HARYANA TOURISM CORPORATION LTD.

.... PETITIONER

V/S

PRESIDEING OFFICER, INDUSTRIAL TRIBUNAL-CUM- LABOUR
COURT, PANIPAT & ANR.

.... RESPONDENTS

CORAM : HON'BLE MR. JUSTICE JAGMOHAN BANSALPresent : Mr.Vishal Gupta, Advocate
for the petitioner.Mr. Namit Gautam, Advocate
for respondent No.2.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of award dated 12.02.2004 (Annexure P-9) whereby Labour Court has answered the reference in favour of the workman.

2. Counsel for the parties are ad-idem that workman has been reinstated, thus, prayer qua setting aside of order of reinstatement has rendered infructuous.

3. Mr. Vishal Gupta submits that the Labour Court has mechanically awarded full back wages. The workman had not worked during the period of his termination, thus, amount of back wages should be re-considered. He further submits that this Court in a bunch of

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petitions has reduced amount of back wages to the tune of 30% where the workers have been reinstated.

4. Mr. Namit Gautam submits that he leaves to this Court to decide the quantum of back wages.

5. The workman has been reinstated and he is still in service. As per impugned award, he is entitled to continuity of service. The petitioner is claiming that quantum of back wages may be reduced to 30%. This Court in a bunch of petitions including CWP No.22006 of 2017 titled as “Divisional Forest Officer, Kaithal vs. Tekka @ Tek Ram and another”, decided on 05.09.2024, wherein the workmen were reinstated, has reduced amount of back wages to 30% from full awarded by Labour Court.

6. Applying the said judgment, I find it appropriate to modify quantum of back wages from 100% to 30%. The said amount shall be released within three months from today failing which the Corporation shall be liable to pay interest @ 9% from the expiry of aforesaid period of three months.

7. Disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

30.09.2024

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