

CWP-5719-1999 (O&M) 1

2024:PHHC:093377



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

207

CWP-5719-1999 (O&M)
Date of Decision : 24.07.2024

DARSHAN LAL

.... PETITIONER

V/S

THE PRESIDING OFFICER, LABOUR COURT, PATIALA AND ORS

.... RESPONDENTS

CORAM : HON'BLE MR. JUSTICE JAGMOHAN BANSAL

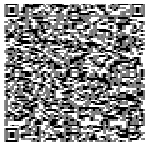
Present :- Mr.Puneet K. Bansal, Advocate
for the petitioner.

Mr. Aman Dhir, DAG, Punjab.

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 24.04.1998 (Annexure P-6) whereby Labour Court has ordered to reinstate him, however, declined his claim qua back wages.

2. The Tribunal has declined claim of petitioner qua back wages on the ground that the petitioner after termination was in practice, thus, he was gainfully employed. The petitioner submits that he was terminated on 03.04.1980 and respondent during the course of proceedings before Tribunal had submitted documents disclosing that he was in practice from 1996 onwards. The petitioner after termination had no option except to start practice as an Advocate in the District Court. In



the initial years, there was no question of gainful employment. The respondent did not lead evidence with respect to his gainful employment during 1980-1996.

3. Mr. Aman Dhir, DAG, Punjab submits that State had submitted evidence to the effect that the petitioner started practice and during 1997-98, he was in active practice. The petitioner did not rebut evidence led by the State.

4. On being confronted with the fact that there was no evidence with respect to employment prior to 1996 and especially in the initial years of termination, Mr. Dhir expressed his inability to controvert the said fact.

5. To resolve the dispute and without commenting upon merits of the case, however, considering the fact that petitioner had remained out of service from 1980 to 1998 as well as statement of both sides, this Court finds it appropriate to direct the respondent to pay a lump sum amount of Rs.50,000/- to petitioner within 06 weeks from today.

6. Disposed of.

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

(JAGMOHAN BANSAL)
JUDGE

24.07.2024
anju

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