



CWP-6756-1998

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**204 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CWP-6756-1998****Date of Decision:18.10.2024****STATE TRANSPORT COMMISSIONER, HARYANA,
CHANDIGARH AND ANR.**

..... Petitioners

*Versus***JAI BHAGWAN AND ANR.**

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Raman Sharma, Addl. AG, Haryana.

Mr. Samrat Malik, Advocate for respondent No.1.

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 13.10.1995 whereby Labour Court has answered the reference against the workman, however, ordered to pay him wages from the date of termination to the date of award.

2. On being asked, learned counsel for respondent No.1 submits that workman had filed Civil Writ Petition No.18061 of 1996 before this Court assailing the impugned award. The said writ petition was dismissed vide order dated 26.11.1996.

3. The Labour Court by impugned award has upheld termination of workman, however, granted back wages for the period from the date of termination to date of award. The operative portion of impugned order dated 13.10.1995 passed in the present writ petition reads as under:

“Keeping in view the past history of the workman mentioned in the written statement and the facts that the workman had embezzled the Government money amounting to Rs.2.00/- the punishment of termination is justified.

However, the learned authorised representative of the workman has argued that as the inquiry was not found fair and proper. So, the order of termination on this ground was also not proper. In these circumstances, the workman shall be deemed to be terminated from the date of award. So, he is entitled to back wages from the date of termination to the date of this award. In support of his case, the learned authorised representative has cited the case tiled Desh Raj Gupta Vs. Industrial Tribunal IV Lucknow reported in A.I.R. 1990 S.C. 2174.

The argument advanced by learned authorised representative of the workman has force. So, the workman is entitled to back wages from 01.06.1990 to the date of this award.

The reference is answered accordingly.”

4. The workman had preferred Civil Writ Petition No.18061 of 1996 before this Court which was dismissed by a Division Bench of this Court on 26.11.1996.
5. In view of upholding of termination of workman by Labour Court as well as this Court, there was no question of payment of wages from the date of termination to date of impugned award.
6. The impugned order to the extent of order of payment of back wages needs to be set aside and accordingly set aside.
7. Writ petition is allowed.

(JAGMOHAN BANSAL)
JUDGE

18.10.2024
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No