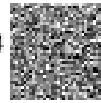


**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

2024:PHHC:138714



Date of Decision: 23.10.2024

CWP No.7268 of 1998(O&M)

Haryana Agro Industries Corporation

....Petitioner

VS.

**The Presiding Officer, Industrial Tribunal-cum-Labour Court, Rohtak
and another**

....Respondents

CWP No.10676 of 2001(O&M)

Jai Narain

....Petitioner

VS.

**The Presiding Officer, Industrial Tribunal-cum-Labour Court, Rohtak
and another**

....Respondents

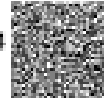
CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Padamkant Dwivedi, Advocate
for the petitioner in CWP-7268 of 1998
for respondent No. 2 in CWP- 10676 of 2001

Mr. Ashok K.Sharma (Bhana), Advocate
for the petitioner in CWP-10676 of 2001
for respondent No. 2 in CWP- 7268 of 1998

JAGMOHAN BANSAL, J. (ORAL)

1. By this common order, CWP No. 7268 of 1998 and CWP No. 10676 of 2001 are hereby adjudicated as common questions of law and facts are involved. With the consent of both sides, facts are borrowed from CWP No. 7268 of 1998.



2. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of award dated 12.01.1998 (Annexure P-4) whereby Labour Court has answered the reference in favour of workman.

3. The Management is claiming that workman was wrongly ordered to be reinstated with 25% back wages and workman is claiming that he should be paid full back wages instead of 25%.

4. Concededly, the workman has passed away and he had worked with Management during August'1991 to March'1992. The workman is claiming that he had completed 240 days and Management is disputing the said fact. On account of death of workman, the question of reinstatement does not survive. The Management has complied with mandate of Section 17-B of Industrial Disputes Act, 1947 (in short "1947 Act") during the pendency of instant petition. The workman at one stage was claiming enhancement of back wages and his application was dismissed by order dated 03.02.2000 passed by this Court.

5. The question which remains pending is whether workman is entitled to back wages as ordered by Tribunal.

6. Keeping in mind paras 50-52 of judgment of Supreme Court in **Central Council for Research in Ayurvedic Sciences and another v. Bikartan Das and others, 2023 SCC OnLine SC 996** and to put the litigation to rest, this Court considering the length of service and last drawn pay of the workman; efflux of time; payment of wages to workman in terms of Section 17-B of 1947 Act and directions of Tribunal, deems it appropriate to direct the Management to pay a sum of ₹ 60,000/-as lumpsum payment to



legal representative(s) of the workman towards back wages. Let the needful be done within 3 months from today.

7. In view of the above facts and findings, the petitions stand disposed of.

8. Pending Misc. application(s), if any, shall stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

23.10.2024
paramjit

Whether speaking/reasoned:	Yes	
Whether reportable:		No