2024:PHHC:078154

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

202

CWP-7377-2024
Decided on : 30.05.2024

Guru Nanak Dev University, Amritsar and others

. . . Petitioner(s)

Versus

Presiding Officer,
Industrial Tribunal, Amritsar and another

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. M.K. Dogra, Advocate
for the petitioner(s).

Mr. RKS Verka, Advocate
for respondent No.2.

****

SANJAY VASHISTH, J. (Oral)

1. On 27.05.2024, following order was passed:-

"Present: Mr. M.K. Dogra, Advocate,
for the petitioners.

Mr. Pawan Kumar – respondent No.2
present in person.

-.-

1. Mr. Iqbal Singh Verka, Advocate, puts in appearance on behalf of respondent No.2, and files his power of attorney in Court today, which is taken on record, subject to all just exceptions. Office to tag the same at appropriate place in case file.

2. Counsel for the petitioners has handed over copy of the demand draft bearing No.453515 143023013, dated 20.05.2024, amounting to Rs.25,000/-, to the litigation expenses already ordered by this Court, vide order dated 02.04.2024.

3. Counsel for the petitioners submits that already, petitioners – Management has written an intimation letter to respondent No.2 for asking him to join back the duties, but no response has been received by them.

4. Respondent No.2, who is present in the Court, along with his counsel, submits that no such intimation letter has ever been received by him.

5. Be that as it may, if respondent No.2 – workman is willing to join back the duties, let him join before 30.05.2024.

6. However, it is expected from the petitioners that any kind of unnecessary hurdle would not be created, in case, respondent No.2 (workman) joins his duty, as already got recorded by the petitioners, in the order dated 02.04.2024.

7. Adjourned to 30.05.2024."

2. Today, both the counsel for the parties are *ad idem* that in pursuance to previous order dated 27.05.2024, respondent No.2 – workman

JAWALA RAM
2024.05.31 16:39
I attest to the accuracy and
authenticity of this order/judgment.

has been taken back in service and he joined the office on 28.05.2024.

3. Counsel for the petitioners submits that in compliance to the impugned direction issued by learned Labour Court vide its impugned award dated 14.09.2023 (P-9), respondent No.2 – workman, has already been allowed to join the duties and in response thereto, respondent No.2 – workman, has joined the office on 28.05.2024.

However, submits that the dispute is now left for its adjudication *qua* the amount of back-wages only.

4. After giving some time for deliberation to counsel for the respective parties, both of them have arrived at an amicable settlement after seeking the required instructions from their respective clients. Thereafter, it is settled that workman would be well-satisfied in case, he is paid lump sum amount of compensation towards the back wages which have already been awarded by learned Labour Court and for the said purpose, the amount settled is Rs.1,50,000/- which is acceptable to both the sides.

5. This Court has also taken note of all the facts and circumstances and also the positive and good gesture shown by the Management that it is not interested in prolonging the litigation between the parties.

6. Therefore, award dated 14.09.2023 (Annexure P-9) is modified to the extent of awarding the lump sum compensation of Rs.1,50,000/- (Rupees One Lakhs and Fifty Thousand only) towards the 50% back wages as awarded by learned Labour Court.

However, it is clarified that award is maintained in all other respects, except *qua* the part of back wages, which has been converted into a lump sum compensation of ₹ 1.5 lakhs.

Said amount of ₹ 1.5 lakhs be paid within a period of three

JAWALA RAM
2024.05.31 16:39
I attest to the accuracy and
authenticity of this order/judgment.

months from today i.e. on or before 29.08.2024, failing which the petitioner – Management would be liable to pay the amount of ₹ 1.5 lakhs along with interest @ 6% p.a. from the date of the order passed by this Court.

7. Accordingly, with the modification as mentioned here-above, present writ petition is **disposed of**.

(SANJAY VASHISTH)
JUDGE

May 30, 2024
J.Ram

Whether speaking/reasoned: ✓ *Yes/~~No~~*
Whether Reportable: ✓ *Yes/~~No~~*

JAWALA RAM
2024.05.31 16:39
I attest to the accuracy and
authenticity of this order/judgment.