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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-7010-1997
Decided on : 15.02.2024

Badam Singh

. . . Petitioner(s)

Versus

The Presiding Officer,
Labour Court, Rohtak and others

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Ram Niwas Sharma, Advocate
for the petitioner(s).

Mr. Praveen Chander Goyal, Addl. AG, Haryana.

SANJAY VASHISTH, J. (Oral)

1. By way of present writ petition, petitioner – Badam Singh (workman), has sought modification of the award dated 20th December, 1995 (Annexure P-1), whereby, petitioner has been reinstated with continuity in service, but without any back-wages.

2. Allegation against the petitioner – workman levelled by the respondents - Management, is that he was found playing cards with some outsiders while he was on duty during night shift. To the charge-sheet dated 23.09.1990, served by the General Manager, Haryana Roadways, Rohtak (respondent No.3), workman submitted his reply and therein, he admitted his guilt, and requested to be pardoned.

Thereupon, no departmental inquiry was conducted. Services of the workman were terminated on 05.02.1991, and questioning the said termination order, workman raised an industrial dispute, which resulted into the forwarding of the Reference No.146 of 1991, under Section 10(1)(C) of the Industrial Disputes Act, 1947 (in short, 'ID Act'), for its decision to the learned Labour Court, Rohtak.

3. Paragraph Nos. 9 & 10 of the impugned award, details the findings

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given by learned Labour Court, whereby, it has been held that *“though it is proved that the workman was playing cards but punishment of taking away of the job is too much heavy punishment.....”*. Therefore, the punishment imposed upon the petitioner was not awarded to him. Accordingly, the learned Labour Court directed for reinstatement of the petitioner – workman with continuity in service, however, without any back-wages.

4. Petitioner – workman has filed the present writ petition only *qua* the non-granting of the back-wages.

Mr. Praveen Chander Goyal, Addl. AG, Haryana, representing respondents No.2 & 3, submits that now after a period of 32/33 years, plea of back-wages is not worth to be entertained. Rather, learned Labour Court has already extended the maximum relief to the petitioner – workman, by reinstating him with continuity in service. Therefore, for the fault committed by him, and also admitted later on, in reply to the charge-sheet, the non-granting of back-wages may be treated as a kind of punishment also.

5. In response to the submissions addressed by learned State counsel, no plausible submission is addressed by the petitioner – workman, therefore, this Court finds that there is no justification to entertain the plea, as asked by the petitioner – workman, after about 33 years. Moreover, as informed to the Court, the petitioner – workman, has already crossed the age of superannuation also.

6. Accordingly, present writ petition is dismissed, without there being any merits.

(SANJAY VASHISTH)
JUDGE

February 15, 2024

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No