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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-679-2001 (O&M)

Date of Decision: 08.01.2024

BUTA RAM

.....Petitioner

V/s.

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr.Prateek Mahajan, Advocate and
Mr. Daanish Mahajan, Advocate for the petitioner.

Mr. D.K. Singal, Addl. A.G., Punjab.

Mr. Brijesh Khosla, Advocate for respondent No.2.

SANJEEV PRAKASH SHARMA, J. (Oral)

1. This Writ Petition was filed by the petitioner for seeking quashing of order dated 29.12.2000 (Annexure P-8) whereby his services were terminated after he had been reinstated in terms of the Award passed in his favour by the Labour Court.

2. It is submitted that the petitioner was initially appointed as a Surveyor in Panchayati Raj Department on 30.04.1987 and remained in service on the said post till 21.05.1994, whereafter his services were dispensed with.

3. The petitioner raised the dispute before the Labour Court and the Labour Court had passed an Award dated 22.03.1999 directing his reinstatement in service from 1993 with 50% backwages.

4. The respondents issued order dated 31.08.2000 reinstating him as a Daily Wage Surveyor and the same was assailed by the petitioner by sending a notice dated 09.09.2000 to the respondents claiming that he should

be reinstated on regular basis in terms of the Award passed by the Labour Court.

5. It was the case of the respondents that the petitioner had been initially appointed as a Motor Mate/Surveyor for a particular period and therefore, his re-employment would be on the similar terms and conditions.

6. An application under Section 33-C (2) of the Industrial Disputes Act, 1947 (hereinafter referred to as “the Act of 1947”) was filed by the petitioner whereupon the respondents issued order dated 29.12.2000 terminating the services of the petitioner on the ground that there is no Surveyor available with the Department. A notice for retrenchment under Section 25 (F) of the Act of 1947 w.e.f. 01.01.2001 and the cheque was enclosed along as retrenchment compensation. The petitioner challenges the said order before this Court.

7. It appears that this Court vide order dated 16.01.2001, stayed the operation of the order of retrenchment whereafter the petitioner remained to continue and later on he was regularized on the post of Clerk vide order dated 31.12.2008. Thus, the respondents themselves have, by their own action, discontinued their own earlier order which is being challenged in this present Writ Petition.

8. It is also informed that the petitioner has accepted the order of regularization on the post of Clerk and was later on promoted to post of Junior Assistant and then to the post of Senior Assistant and is continuing in service as such.

9. Keeping in view the above, this Court makes the order dated 16.01.2001 passed by it absolute. The order dated 29.12.2000 (Annexure P-8) passed by the respondents terminating the services of the petitioner having not been acted upon by the respondents themselves, is set aside. The petitioner, however, be only granted the benefit of regularization as a Clerk and subsequent promotions which he has been granted from time to time. No further claim is found to be made out in favour of the petitioner.

10. It is made clear that the period spent by the petitioner as Surveyor in terms of the Award passed by the Labour Court shall be counted for the purpose of qualifying service.

11. All the pending applications in this Writ Petition stand disposed of accordingly.

January 8, 2024
Ess Kay

[SANJEEV PRAKASH SHARMA]
JUDGE

<i>Whether speaking / reasoned</i>	:	<i>Yes</i>	/	<i>No</i>
<i>Whether Reportable</i>	:	<i>Yes</i>	/	<i>No</i>