

2024:PHHC:112492



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

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CWP-12203-2016(O&M)
Date of Decision : 30.08.2024

BHUPINDER SINGH

.... PETITIONER

V/S

PRESIDING OFFICER, INDUSTRIAL TRIBUNAL AND LABOUR
COURT, U.T. CHANDIGARH AND ANR.

.... RESPONDENTS

CORAM : HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Ms. Bindu Goel, Advocate
for the petitioner.

Mr. Akhil Kashyap, Advocate for
Mr. P.K.Kataria, Advocate
for respondent No.2.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking modification of award dated 03.11.2014 whereby Labour Court has awarded back wages to the extent of 25%.

2. The petitioner-workman joined respondent on 18.12.1998 and he was terminated on 23.07.2009. At that point of time, he was getting salary to the tune of Rs.5150/- per month. On his application, the matter came to be referred to Labour Court which vide award dated 03.11.2014 answered in his favour. The Labour Court ordered to reinstate him with continuity of service and 25% back wages from the



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date of serving demand notice.

3. Counsel for the petitioner concedes that the petitioner till date has not received 25% back wages and respondent company is in liquidation.

4. Mr. Akhil Kashyap, Advocate submits that creditors of the respondent company approached National Company Law Tribunal (for short, 'NCLT') seeking liquidation. A resolution professional was appointed, however, creditors in the meeting concluded that company should be liquidated. Accordingly, the matter was put up before NCLT which approved liquidation of the respondent-company vide order dated 28.08.2017. The aforesaid order was unsuccessfully challenged before NCLAT and Supreme Court.

5. Considering the fact that the impugned order was passed on 03.11.2014 i.e. 10 years back and vide order dated 28.08.2017 passed by NCLT, company has already been ordered to be liquidated and the petitioner has not received even awarded back wages, this court does not find it appropriate to modify the impugned order and enhance the amount of back wages.

6. Dismissed.

7. Pending miscellaneous application (s), if any, shall also stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

30.08.2024*anju*

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No