



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

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CWP-17295-2018**Decided on : 07.05.2024**

Balwant Sharma

... Petitioner(s)

Versus

The Presiding Officer,
Labour Court, Ambala and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. J.S. Cooner, Advocate, for the petitioner(s).

Mr. Satish Singla, AAG, Haryana.

SANJAY VASHISTH, J. (Oral)

1. Petitioner – Balwant Sharma (workman) has filed the instant writ petition, challenging the award dated 31.10.2017 (Annexure P-1), passed by respondent No.1 – Learned Labour Court, Ambala, whereby, Reference No.190/2016, under Section 10(1)(C) of the Industrial Disputes Act, 1947 (for brevity, 'ID Act'), has been partly answered in favour of the workman.

2. Vide impugned award dated 31.10.2017 (P-1) respondents (Management) have been directed to reinstate the workman in service without back-wages, subject to the availability of further extension of funds and post of peon from the Haryana Government.

3. Today, reply by way of affidavit dated 07.05.2024, of Ms. Indu Sharma, District Child Protection Officer, Kurukshetra (respondent No.2), has been filed on behalf of respondents No.2 to 4, in Court today. Same is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.



4. Along with reply, a letter dated 18.07.2018 (Annexure R-2/1) has also been appended, which has been addressed to the petitioner – workman (Balwant Sharma), for appointing him on the post of ‘Sevadar’ in compliance of order passed by learned Labour Court. The relevant paragraph No.3 of the aforesaid reply, is reproduced as under:-

“3. *That it is pertinent to mention here that the deponent has reinstated the petitioner in service on 18.07.2017 i.e. (Annexure R-2/1) without back wages, in view of the above mentioned award dated 31.10.2017 (P-1) passed by the ld. Labour Court, Ambala. As per the said award dated 31.10.2017 (P-1), the deponent was directed to reinstate the petitioner/workman on the post of Peon without back wages. Hence, in compliance of the said award dated 31.10.2017 (P-1), the petitioner had been ordered to be reinstated in service without back wages and continuity of service.*”

5. Since the basic relief has already been granted to the petitioner – workman, by appointing him back into service on the post of ‘sevadar’, in compliance to the award (P-1) already passed by the learned Labour Court, to that aspect, no submission is being addressed by counsel for the petitioner.

Further, Mr. J.S. Cooner, Advocate, for the petitioner – workman, submits that nothing has been awarded for the back-wages i.e. for the period 10.12.2015 (date of termination from service) till the time of passing of award i.e. 31.10.2017.



6. For the said purpose, this Court has examined the impugned (P-1) award, and finds that in the relief clause, already it has been observed that the reinstatement in service without back-wages, would be subject to availability of the further extension of funds and post of peon from the Haryana Government. Thus, I do not find any substantial reason to burden the State Government with some extra financial liability for the period of about 22 months.

Therefore, this Court does not find substantial reason to cause interference in the well reasoned award dated 31.10.2017 (P-1), and the plea of back-wages, now raised before this Court, is also rejected.

Writ petition is **dismissed** accordingly.

(SANJAY VASHISTH)
JUDGE

May 07, 2024

J.Ram

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

Whether Reportable: ✓ Yes/~~No~~