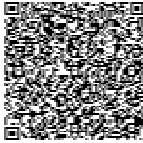


CWP-25000-2014 and
other Connected matter

2024:PHHC:112533



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

211+219

CWP-25000-2014
Date of Decision : 30.08.2024

LAL CHAND & ANR PETITIONERS

V/S

PRESIDING OFFICER, CENTRAL GOVERNMENT, INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-II CHANDIGARH & ORS

.... RESPONDENTS

CWP-23761-2016

BALBIR SINGH & ANR PETITIONERS

V/S

PRESIDING OFFICER, CENTRAL GOVERNMENT, INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-II CHANDIGARH & ORS

.... RESPONDENTS

CORAM : HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Vinod Bhardwaj, Advocate and
Mr. Nipun Bhardwaj, Advocate
for the petitioners..

Mr. R.Kartikeya, Advocate
for respondents No.2 to 4 in CWP-25000-2014.

JAGMOHAN BANSAL, J. (Oral)



1. By this common order, CWP-25000-2014 and CWP-23761-2016 are disposed of as issues involved and prayer sought in both the petitions are common. For the sake of convenience and with the consent of parties, the facts are borrowed from CWP-25000-2014.

2. The petitioners through instant petition under Articles 226/227 of the Constitution of India are seeking modification of award dated 13.02.2013 (Annexure P/1) whereby Labour Court has ordered to reinstate them without back wages.

3. The petitioners were appointed by respondent-bank in 1980 and came to be terminated in 2002. They approached Labour Court seeking reinstatement and back wages. The petitioners were working as Peons with the respondent-bank. Their salary was less than Rs.2,000/- per month. The Labour Court vide order dated 13.02.2013 ordered to reinstate them without back wages.

4. Mr. Vinod Bhardwaj, Advocate submits that the petitioners deserve back wages and Labour Court has wrongly rejected their claim for back wages.

5. I have heard the arguments of counsel for the petitioner and perused the record.

6. The findings recorded by Labour Court qua back wages are reproduced as below :

“From the cross-examination of claimants it appears that Lal Chand of ID No.16/2009 has been earning his livelihood by selling vegetables and has been earning Rs. 2500 to 3000/- per month, Sunil



Kumar of ID No.18/2009 by serving at a shop is earning Rs.3600/- per month, Charanjit Singh of ID No.19/2009 by doing the job of night watchman has been earning Rs.2000 to 3000/- per month, Shiv Kumar of ID No.20/2009 working as salesman has been earning Rs.2800 to 3000/-, Ramesh Kumar of ID No.21/2009 by running a tea stall has been earning Rs.4000 to 5000/- per month, Vijay Kumar of ID No.22/2009 has been supplying bread and earning Rs.3500 to 4000/- per month and Balbir Singh of ID No.24/2009 is getting Rs.3000 to 3500/- per month by serving as chowkidar. The appointment letters Annexure W1 to W3 available on the record of ID No. 18/2009, Annexure W4 and W5 on the record of ID No.20/2009 and Annexure W3 of ID No.24/2009 shows that the workman had been employed at a salary of Rs.815/- per month plus DA. Clearly the claimants were gainfully employed after their disengagement. Under the circumstances I do not find them entitled to back wages.

On the basis of the above going discussion the references are decided in favour of the claimants. The management is directed to take the claimants on duty within one month from the date of publication of award. Let two copies of the award be sent to the Central Government and one copy each to District Judge Chandigarh, Karnal (Haryana), Ambala Cantt. (Haryana), Sonapat (Haryana), Panipat (Haryana), Sirsa (Haryana) and Jalmana (Haryana) for information and further necessary action. One copy each of the award be placed on the record of ID No.16/2009, 18/2009, 19/2009, 20/2009, 21/2009, 22/2009 and 24/2009,”



7. The petitioners concededly have been reinstated and since 2013, they are working with respondent-bank. They had accepted that they were earning during their period of termination.

8. In view of their own admission, the Labour Court did not grant back wages. The Labour Court was not bound to grant back wages. The back wages are granted to maintain balance and protect livelihood of the workman. The petitioner had admitted that they were earning and even otherwise, it is improbable to believe that a man was surviving without earning.

9. This Court does not find any jurisdictional error or manifest illegality or infirmity in the impugned order, warranting interference.

10. Mr. Vinod Bhardwaj, Advocate, at this stage, submits that respondents may be directed to consider them for regularisation. Their case is not considered because of pendency of the present petition.

11. The petitioners are working with respondent-bank for quite long time, thus, bank may consider their case for regularisation in accordance with law.

12. Disposed of.

(JAGMOHAN BANSAL)
JUDGE

30.08.2024
anju

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