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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Decided on : 20.01.2024

Post Graduate Institute of Medical Education and Research,
Chandigarh

. . . Petitioner(s)

Versus

Presiding Officer, Central Govt. Tribunal-cum-
Labour Court-II, Chandigarh and another

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Ms. Alka Chatrath, Advocate and
Ms. Neha Singh, Advocate, for the petitioner(s).

None for respondent No.2.

SANJAY VASHISTH, J. (Oral)

1. Counsel for the petitioner – Management i.e. Post Graduate Institute of Medical Education and Research, Chandigarh (in short, ‘PGIMER’), submits that by way of present writ petition award dated 06.09.2011 (Annexure P-9), answered in favour of respondent No.2 – workman, has been challenged.

2. As per the award (P-9), period of absence from duty i.e. 20.05.1998 to 15.02.1999, has been ordered to be treated as ‘leave period without pay’. There is an observation that the termination of the workman from the service is not legal and justified, and is nonest, therefore, he is held entitled to be treated in continuous service till the age of superannuation.

3. Although there is no one to assist the Court on behalf of respondent No.2 – workman, yet Ms. Alka Chatrath, counsel for the petitioner – Management, informs the Court that all the directions mentioned in the award (P-9), which is impugned before this Court, have been complied with, and after attaining the age of superannuation, respondent

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No.2 – workman, has retired from the service.

Thus, probably no interest of respondent No.2 – workman, is left in the present writ petition. Besides, it is not disputed that the operation of the said award was never stayed by this Court.

4. In view of the facts and circumstances of the present case that all the benefits directed under the impugned award (P-9) have been extended to respondent No.2 – workman, thereafter, he has retired from the service on attaining the age of superannuation; no substantial question appears to be surviving for its addressal before this Court, for its decision. Thus, continuing with the proceedings of the present writ petition, is of no consequence, unless, petitioner-Management points out any glaring error in the impugned award.

Even, no one is going to gain any fruit, by re-examining the whole record for reversing the findings already recorded by learned Tribunal.

5. Therefore, after noticing the facts, as stated before this Court by the learned counsel for the petitioner – Management, present petition stands **disposed of**, as no cause of action survives therein.

However, liberty is granted to the petitioner – Management to move an appropriate application, within a period of eight weeks, if any, cause of action or substantial issue still requires to be decided.

(SANJAY VASHISTH)
JUDGE

January 20, 2024

J.Ram

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*