

2024:PHHC:099066



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

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Date of Decision : 02.08.2024

BIJENDER SINGH

.... PETITIONER

V/S

THE PRESIDING OFFICER & ANR

.... RESPONDENTS

CORAM : HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr.Vikas Lochab, Advocate
for the applicant/petitioner.

None for the respondents.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of award dated 11.03.2016 (Annexure P-1) to the extent Labour Court has declined his claim qua back wages.

2. The petitioner was appointed as Cycle Mechanic w.e.f. 01.01.1990. The respondent terminated him on 27.09.2008. On his application, a reference was made to Labour Court which vide award dated 11.03.2016 answered the reference in favour of petitioner qua reinstatement and continuity of service but did not grant him back wages. The petitioner in his application had claimed back wages for the period from February' 2008 to September' 2008. The Tribunal has rejected his claim on the ground that he in his affidavit has not disclosed that he had



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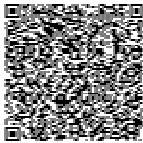
remained unemployed during the said period.

3. Mr.Vikas Lochab, Advocate submits that claim of petitioner qua back wages has been wrongly rejected though he has been reinstated.

4. I have heard the argument of counsel for the petitioner and perused the record.

5. From the perusal of record, it comes out that the petitioner has been denied back wages for a period of 08 months because he did not disclose in his affidavit that he was not gainfully employed during the said period. The relevant extracts of the findings recorded by Tribunal are reproduced as below :

12. The issue of back wages is also staring for answer. The claimant in the facts and circumstances of the case is not entitled to any back wages simply on the ground that the claimant in his claim statement and affidavit as well has not deposed about his being unemployed after his termination. The claimant's plea of non-payment of his wage from February, 2008 to 27-09-2008 ie. for 8 months does not inspire confidence as no complaint appear to have been made by him to any competent authority. Even his witnesses WW-2 Samay Singh and WW-3 Sant Lal who belong to claimants village and appear to be having good friendly relations with him have not referred to withholding of his wages. In view of the relations of the claimant with the witness it would have been very natural on the part of claimant to tell them his grievances and problem of non-payment of wages. It is very difficult for a poor worker to pull on without any money for 8 months. So, this issue is decided in favour of the claimant to the effect that claimant's services



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have been illegally terminated and he is entitled to reinstatement in service with continuity but without any back wages.

6. From the reading of aforesaid findings, it is evident that the Tribunal has recorded categoric findings to the effect that the petitioner has failed to disclose that he was unemployed during the period from February’ 2008 to September’ 2008.

7. There is no jurisdictional error or manifest illegality in the impugned order warranting interference of this Court. Thus, there is no ground to interfere with the impugned award.

8. Dismissed.

(JAGMOHAN BANSAL)
JUDGE

02.08.2024
anju

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