



CWP-11843-2009

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

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Date of decision: 11.09.2024

SYNDICATE BANK

...PETITIONER

Vs.

**PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-1 AND ANOTHER**

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Vipin Mahajan, Advocate and
Ms. Chandanpreet Kaur Ahluwalia, Advocate
for the petitioner.

Mr. Rajesh Punj, Advocate and
Mr. Sahaj Punj, 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 setting aside of Award dated 12.01.2009 (Annexure P-14) whereby Labour Court has answered the reference in favour of the workman.

2. The petitioner-Syndicate Bank has preferred present petition assailing Award passed in favour of the workman. The said workman served petitioner-bank till 1999. He during his service was served multiple charge-sheets on account of absence from duty or misuse of his official position. On most of the occasions, he was subjected to minor punishment but on one occasion, he was subjected to major penalty.



3. In 1998, the petitioner issued two charge-sheets which culminated in stoppage of one increment without cumulative effect. The bank issued third charge-sheet on 15.04.1999 which culminated in passing of order of compulsory retirement of workman. He approached Labour Court by way of reference through Government. The Labour Court by impugned order has set-aside order of compulsory retirement and ordered reinstatement with full back wages and continuity of service.

4. Mr. Vipin Mahajan, Advocate and Mr. Rajesh Punj, Advocate counsel for the parties are *ad-idem* that since 2015, the workman is getting last drawn salary in terms of Section 17-B of Industrial Disputes Act, 1947. The workman was ordered to be reinstated in 2009, however, he remained silent till 2015 and moved application before this Court in 2015 wherein order of payment of wages in terms of Section 17-B of Industrial Disputes Act, 1947 was passed. The workman has already attained the age of superannuation, thus, there is no question of reinstatement. The question which survives for the adjudication of this Court is quantum of back wages if payable to the workman.

5. Mr. Rajesh Punj, Advocate submits that he leaves to Court to decide the quantum of compensation to finally resolve the dispute between the parties.

6. Mr. Vipin Mahajan, Advocate submits that Labour Court has passed incorrect order and travelled beyond the reference, thus, workman is not entitled to back wages.

7. This Court, does not find any jurisdictional error or factual infirmity warranting interference, however, considering the fact that workman has already attained the age of superannuation and he is getting last drawn salary since 2015,



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this Court finds it appropriate to direct the petitioner-bank to pay lump-sum Rs.7.5 lacs towards full and final payment.

8. Disposed of accordingly.

11.09.2024
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[JAGMOHAN BANSAL]
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No