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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-18454-2024 (O&M)
Date of Decision:04.09.2024

M/S KNOTS INTERNATIONAL

..... Petitioner

Versus

INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT PANIPAT
THROUGH ITS PRESIDING OFFICER AND ANOTHER
..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Tanmoy Gupta, Advocate
for the petitioner.

Mr. Pradeep Chhoker, 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 30.04.2024 (Annexure P-3) whereby Labour Court has answered the reference in favour of workman.

2. The petitioner is a Partnership Firm and respondent No.2 was working with it as Mechanic. He worked with petitioner from 01.09.2017 to 03.01.2022. He was getting salary ranging from Rs.17,000/- to Rs.19,000/- during the aforesaid period. The petitioner retrenched him and he approached Labour Court which by impugned order dated 30.04.2024 (Annexure P-3) ordered to reinstate him with continuity of service and 50% of back wages.

3. Mr. Tanmoy Gupta, Advocate for the petitioner submits that

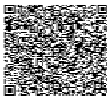


petitioner has collected record from other companies and it is established that workman joined another organization on 09.05.2022 and worked there till 07.12.2023. He has also worked in the said organization from 09.04.2024 to 13.06.2024. He during the said period was getting salary of Rs.27,000/- per month. As the workman was gainfully employed, thus, he was neither entitled to reinstatement nor back wages.

4. Mr. Pradeep Chhoker, Advocate for respondent No.2 submits that workman is a sole bread winner of the family. He got job in the another Organization in May' 2022, however, it was temporary employment. It was not a regular job and he was retrenched by said organization on 13.06.2024. The workman may not be entitled to back wages for the period he had worked with another organization, however, the order of reinstatement passed by Labour Court cannot be disturbed because workman at present is not having any job.

5. I have heard the arguments and perused the record.

6. From the perusal of record, it comes out that Labour Court was bereft of evidence to the fact that workman had worked from May' 2022 to December' 2023 and thereafter from April' 2024 to June' 2024 with another Organization and he during the said period was getting a sum of Rs.27,000/- per month. It was duty of the workman to disclose before the Labour Court that he had joined another Organization and getting salary higher than he was getting from previous Management. He was retrenched on 03.01.2022 and got another job on 09.05.2022 meaning thereby, he was out of job from 04.01.2022 to 08.05.2022. The petitioner is liable to pay salary for the said period. The last drawn salary of the workman was Rs.19,000/-. The petitioner during the course of



hearing has submitted a demand draft of Rs.1 lakh in favour of the workman.

7. On the asking of Court, Mr. Pradeep Chhoker, Advocate accepted the said draft.

8. The liability of petitioner from 04.01.2022 to 08.05.2022 comes to Rs.76,000/- and it has paid a sum of Rs.1 lakh to workman. As workman had got another job in May’ 2022 and he had worked there till 13.06.2024 with a break of 4 months, he cannot be ordered to be reinstated with petitioner.

9. In the wake of above discussion and findings, the impugned order is modified to the extent that workman is not entitled to reinstatement and Management-petitioner is liable to pay 100% wages for the period from January’ 2022 to May’ 2022. The petitioner has handed over demand draft of Rs.1 lakh to workman, thus, its liability stands discharged.

10. Disposed of.

11. Pending misc. application(s), if any, shall also stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

04.09.2024
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No