

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

240 (06 cases)

CWP-3027-2018
Date of Decision : 28.11.2024

FOREST DEPARTMENT THROUGH ITS DIVISIONAL FOREST
OFFICER, AMBALA

.... PETITIONER

V/S

BANTA RAM AND ANOTHER

.... RESPONDENTS

Sr. No.	Case No.	Parties Name
2.	CWP-18332-2018	FOREST DEPARTMENT THROUGH ITS DIVISIONAL FOREST OFFICER, AMBALA V/S DHARSHAN SINGH AND ANOTHER
3.	CWP-10730-2018	FOREST DEPARTMENT THROUGH ITS DIVISIONAL FOREST OFFICER, AMBALA V/S RAMPURI AND ANOTHER
4.	CWP-11387-2018	FOREST DEPARTMENT THROUGH ITS DIVISIONAL FOREST OFFICER, AMBALA V/S ROOP CHAND AND ANOTHER
5.	CWP-3082-2018	FOREST DEPARTMENT THROUGH ITS DIVISIONAL FOREST OFFICER, AMBALA V/S GULZAR SINGH AND ANOTHER
6.	CWP-3324-2018	FOREST DEPARTMENT THROUGH ITS DIVISIONAL FOREST OFFICER, AMBALA V/S BALKAR SINGH AND ANOTHER

**CORAM : HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present : Ms. Harsh Rekha Kapoor, AAG, Haryana.

Mr. Vinay Saini, Advocate
for respondent No.1-workman.

JAGMOHAN BANSAL, J. (Oral)

1. By this common order, the above-said petitions are disposed of as issues involved and prayer sought in all the petitions are common. For the sake of convenience and with the consent of parties, the facts are borrowed from CWP-3027-2018.

2. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of award dated 28.02.2017 (Annexure P-5) whereby Labour Court has answered the reference in favour of the workman.

3. The workman claims that through Village Forest Committee, he has worked with petitioner-management for a couple of years and the petitioner abruptly discontinued his services. He served demand notice and the matter came to be referred to Labour Court which vide common order dated 28.02.2017 adjudicated his claim.

4. The Labour Court has concluded that workman had completed 240 days during 12 months preceding the date of his termination. He had worked with petitioner-management for more than 10 years. The work was done without break. There is violation of mandate of Section 25-B read with 25-F of Industrial Disputes Act, 1947



on the part of management. With these observations, the Labour Court answered the reference in favour of the workman. The operative portion of the impugned order reads as :

“As a sequel to my aforesaid discussion, the claim petition of claimant along with other five reference petitions are accepted holding that the present claimant Banta Ram along with other five claimants as mentioned above are entitled to be reinstated in service with continuity of service along with 50% of back wages from the date of termination which shall be paid by the respondent within two months from today. In default the arrears of back wages shall earn 9% interest. Petition is allowed with costs of Rs. 5,500/- to be paid by respondent. Copies of award be sent to the authorities concerned and the file be consigned to records after due compliance.”

5. Counsel for the parties are *ad-idem* that the management was ordered to deposit back wages in the bank account of workman. The amount may be lying in the bank account of workman.

6. The impugned order was passed in 2017 and the workmen were terminated in 2015. The petitioner is claiming that workers are not working with them since 2015 whereas the workers are claiming that through contractor, they are still working with petitioner.

7. On the asking of the Court, both sides have agreed to the arrangement that amount deposited by petitioner towards back wages shall be paid to the workers. If the amount is lying in their accounts, they would be free to withdraw and if the petitioner has not deposited back



wages as noted in the order dated 19.04.2018 passed by Labour Court, Ambala, the petitioner shall pay said amount to workmen within three months from today failing which it would be liable to pay interest @ 10%. The workers would not be entitled to reinstatement in view of impugned order, however, petitioner would not discontinue their services, if already availing through one or another source.

8. Disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

28.11.2024
anju

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