

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

214 CWP-7847-2011(O&M)
Date of Decision: 21.03.2024

CHIEF EXECUTIVE OFFICER FISH FARMS AND ANOTHER
.... Petitioners

Versus

PRESIDING OFFICER, INDUSTRIAL TRIBUNAL PATIALA AND
ANR
....Respondents

CORAM:HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Rajvir Singh, Advocate for the petitioners.
Mr. Rajnish K. Gupta, Advocate and
Mr. Sachin, Advocate for respondent No.2.

SANJAY VASHISTH, J.(Oral)

1. Petitioner No.1- Chief Executive Officer, Fish Farms Development Agency, Patiala and petitioner No.2-Chairman, Fish Farms Agencies-cum-Director and Warden Fishers Department, Punjab, (being Management) have filed the present writ petition for quashing of the award dated 23.09.2011 (Annexure P-1), whereby respondent No.2-Karamjit Singh (workman) has been ordered to be reinstated as daily wager with continuity of service with 50 % of back wages from the date of filing of demand notice, till the date of award. Thus, reference No.341/2004 referred under Section 10 (1) (c) of the

Industrial Disputes Act, 1947, has been answered in favour of the workman.

2. Pleaded case of the workman is that he worked with the Management as daily wagger/fisherman at Fish Seed Farm, Bir Dusanj, Nabha from the period 19.02.1990 to 31.03.2000. Suddenly, on 01.04.2000, the services of the workman were terminated illegally, without issuing any notice, conducting any fair and proper inquiry or even payment of amount of compensation. At the time of termination, workman claimed to be earning the salary of Rs.1,750/- per month.

The claim raised by the workman was refuted by the Management. After examining the record and the material placed before the Industrial Tribunal-cum-Labour Court, reference was answered in favour of the workman as already noticed hereabove.

3. While assailing the impugned award dated 23.09.2011(Annexure P-1), by way of present writ petition, on 04.05.2011, this Court narrowed down and restricted the scope of the writ petition only qua the question of back wages.

The order dated 04.05.2011, passed by this Court, is reproduced herebelow:

*“Present: Mr Rajvir Singh, Advocate
for the petitioner*

On the limited issue as to why back wages be not denied to respondent No.2, let notice of motion be issued for 11.07.2011. Meanwhile, the payment of backwages to respondent No.2 shall remain stayed subject to the condition that the petitioner reinstates him on the same terms and conditions as were applicable at the time of his unlawful retrenchment.

04.05.2011

(Surya Kant)
Judge”

4. Thus, this petition is pending for the last more than 13 years, only to decide the entitlement of the workman qua the payment of backwages as ordered by the learned Tribunal.

5. During the proceedings, neither the counsel for the Management was able to point out any illegality or perversity in the findings recorded by learned Tribunal; nor any substantial ground to cause interference with the same. This Court has also examined the well-reasoned findings recorded by learned Tribunal, and same are affirmed.

6. However, on the issue of 50% backwages, it is noticed from the award that the monthly income drawn by the workman at the time of termination was Rs.1,750/- per month. Even, if the workman is awarded full backwages (100% salary) for 11 months, the maximum amount for which he would be entitled will be Rs.2,31,000/-. However, in view of the fact that learned Tribunal has held the entitlement of workman to the extent of 50% backwages only, it will be around Rs.1,15,000/-.

Therefore, considering the facts and circumstances and the amount for which the workman would be entitled by virtue of the award, the relief qua the back wages is hereby kept intact. The amount of Rs.1,15,000/- as 50 % backwages is ordered to be paid by the Management to the workman within a period of three months from today i.e. uptill 24.06.2024, failing which the said amount would be

payable alongwith interest @ 6% per annum with effect from 24.06.2024.

7. Accordingly, present writ petition is disposed of.

March 21, 2024	[SANJAY VASHISTH]
<i>rashmi</i>	JUDGE
Whether speaking/reasoned	yes/no
Whether reportable?	yes/no