



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

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CWP-22627-2023

Decided on : 23.05.2024

M/s Pooja forge Pvt. Ltd.

... Petitioner(s)

Versus

Kulvinder Singh and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Jaswinder Singh Randhawa, Advocate
for the petitioner(s) along with
Mr. Mahesh Aggarwal, Director,
M/s Pooja Forge (P) Ltd.

Mr. Shiv Kumar, Advocate
for respondent No.1 – workman.

SANJAY VASHISTH, J. (Oral)

1. Instant writ petition has been filed by the petitioner – M/s Pooja Forge Ltd., by challenging the award dated 14.07.2023 (Annexure P-1), passed by respondent No.2 – Presiding Officer, Industrial Tribunal-cum-Labour Court-I, Faridabad (in short, ‘learned Tribunal’), whereby, Ref. No.74 of 2019, under Section 10(1)(C) of the Industrial Disputes Act, 1947 (in short, ‘ID Act’), has been answered in favour of respondent No.1 – workman.

2. Vide impugned award dated 14.07.2023 (P-1), learned Tribunal directed the Management (petitioner herein) to reinstate the workman (respondent No.1) in service with its continuity in service along with 50% back-wages from 01.08.2019 till his reinstatement, while considering his last drawn salary as Rs.12,000/- per month.

3. Mr. Jaswinder Singh Randhawa, counsel appearing for the



petitioner – Management, on instructions from Mr. Mahesh Aggaral, Director, M/s Pooja Forge (P) Ltd., submits that in compliance to the impugned award dated 14.07.2023 (P-1), respondent No.1 – workman has been reinstated in service by granting him benefit of continuity in service and as of now, he is continuing in service in the office of the petitioner – Management.

Aforesaid fact is also confirmed by Mr. Shiv Kumar, counsel appearing for respondent No.1 – workman.

4. Thus, Management counsel submits that dispute requiring its adjudication is only as to whether workman should be paid the complete 50% back wages from 01.08.2019 till his reinstatement or same can be reduced to some reasonable level, especially in view of the good gesture shown by the Management to avoid the future litigation by reinstatement of workman in service.

5. Thus, petitioner submits that half of the salary would be of Rs.6,000/- per month and the complete amount payable to the workman, if assessed, would be Rs.3,33,000/-.

Therefore, he proposes the reduction of the amount by submitting that Management would pay a lump sum amount of Rs.1.5 lac towards the back wages.

6. On the other hand, Mr. Shiv Kumar, Advocate, appearing for respondent No.1 – workman insists for maintaining the award in its entirety and in case, some reduction in the back wages is considered, he proposes to award total back wages amount to him as ₹ 2.5 Lakhs instead of ₹ 3,33,000/-.

7. This Court has considered the submissions addressed by both



the sides and finds that undoubtedly, Management has shown positive attitude and good gesture towards the workman by making compliance of the award passed by learned Labour Court except payment of back wages.

8. Viewing the situation from all corners, and examining the facts and also with idea to prevent both the parties to pursue their rights through further litigation, I deem it appropriate to reduce total amount of back wages to ₹ 2.00 Lakhs, instead of ₹ 3,33,000/- i.e. 50% back wages as awarded by learned Labour Court.

9. Thus, the award is maintained by modifying it only *qua* the back wages i.e. instead of 50% back wages as ordered by learned Labour Court, workman would be entitled to receive total amount towards back wages as ₹ 2,00,000/- (Rupees Two Lacs only).

10. However, said amount is payable by the petitioner – Management to respondent No.1 – workman within three months i.e. on or before 22.08.2024, failing which the lump sum amount would be payable along with interest @ 6% per annum from the date of this order i.e. 23.05.2024.

11. With the aforementioned observations and terms recorded herein, while maintaining the award with slight modification, present writ petition stands **disposed of**.

(SANJAY VASHISTH)
JUDGE

May 23, 2024
J.Ram

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