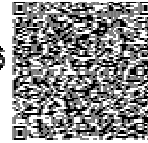


CWP-26700-2022

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

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CWP-26700-2022

Date of Decision : 23.07.2024

DIVISIONAL FOREST OFFICER, SONEPAT

.... PETITIONER

Versus

BALA AND OTHERS

.... RESPONDENTS

CORAM : HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Raman Sharma, Addl.A.G., Haryana.

Mr. Ankur Goyat, Advocate for
Mr. Ramesh Goyat, Advocate
for respondent No.1.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 18.07.2019 (Annexure P-3) passed by the Presiding Officer Industrial Tribunal-cum-Labour Court, Panipat.

2. Counsel for respondent No.1 submits that the employee who approached Labour Court has passed away and wife of deceased employee has filed an application before the competent authority seeking release of back wages as well as gratuity.



3. Mr. Raman Sharma, Addl. A. G., Haryana, on being confronted with the findings of Tribunal expressed his inability to controvert the same.

4. The relevant extracts of the findings recorded by Tribunal are reproduced as below :

10. The workman Jai Kishan while appearing as WWI has reiterated the facts mentioned in his claim statement on oath in his affidavit Ex. WWI/A given by him in his examination-in chief. Sh. Karamveer Singh (Retired Block Forest Officer) while appearing as WW2 has corroborated the statement of the workman Jai Kishan WWI on oath in his examination-in-chief. Similarly, Sh. Roshan Lal (retired Mali) while appearing as WW3 has also corroborated the statement of workman Jai Kishan WWI on oath in his examination-in-chief. Sh. Narender Kumar RFO, Sonapat W4 had brought the record from the years 2007 to 2013 wherein presence of the workman Sh. Jai Kishan Singh WWI is there.

11. Sh.Sandeep Mor RFO, Sonapat while appearing as MWI has reiterated the facts mentioned in the written statement on oath in his affidavit Ex. MWI/A given by him in his examination-in-chief.

12. The case of the workman is that he had worked with the respondent No.1 from November 2007 to 20.08.15 and that he had worked for more than 240 days in a calendar year continuously for seven years. The case of the respondent No.1 is that the workman had not done so. But, Sh. Narender Kumar RFO, Sonopal W4, summoned as a witness by the workman,

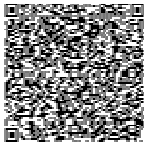
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has brought the record Ex. WI (page I to 54). While producing the same on record, this witness has admitted that Ex. WI contains the presence of the workman. Not only this, Sh. Sandeep Mor RFO, Sonapat while appearing as MWI has stated in his cross-examination that he has full knowledge of the present case according to the record. This witness has admitted in his cross-examination that the workman had worked in the department from the years 2006-07 to 2009 and from the years 2010 to 19.08.2015. It means that the workman Jai Kishan had worked in the department for more than seven years and seven years and had also worked for more than 240 days continuously in a calendar year. No notice was given to him under Section 25-F of the Industrial Disputes Act, 1947 prior to his removal from service.

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16. In view of my findings on issue No. 1, the Reference/claim statement dated 28.10.15 filed by the workman is accepted and the workman is held entitled reinstatement with continuity of service on the same status which was occupied by the workman on the date of his termination. The workman is also entitled full back wages treating his last drawn salary @ Rs. 5800/- per month from the date of demand notice, i.e. 28.10.15 from respondent No.1 and reference stands answered accordingly. Copy of this Award be sent immediately to Deputy Labour Commissioner, Rohtak for information and necessary action. File be consigned to the record room after due compliance.



5. As the petitioner has failed to point out any jurisdictional error or manifest illegality warranting interference of this Court, the instant petition deserves to be dismissed and accordingly dismissed. The private respondent is at liberty to pursue his remedies for the recovery of back wages and gratuity in accordance with law.

(JAGMOHAN BANSAL)
JUDGE

23.07.2024
anju

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