



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

105

**CWP-23992-2023 (O&M)
Date of decision: 29.10.2024**

BARJINDER SINGH**....PETITIONER****Vs.**

**PRESIDING OFFICER, INDUSTRIAL TRIBUNAL BATHINDA AND
OTHERS**

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

Present: Mr. Harjot Singh Bedi, Advocate
for the petitioner.

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 21.07.2023 (Annexure P-3) passed by Presiding Officer, Industrial Tribunal, Bathinda whereby his claim for back wages has been declined.

2. The petitioner joined respondent No. 2 on 10.03.2000 as Salesman. He was promoted to the post of Secretary on 09.06.2007. He came to be suspended on 04.05.2012. He was terminated on 30.08.2012. He preferred an appeal which was allowed and order of termination was set-aside. In view of orders passed by Appellate Authorities, the petitioner came to be reinstated. He filed an application under Section 33-C (2) of Industrial Disputes Act, 1947 (for short '1947 Act') before Labour Court claiming wages for the period he remained out of service. The Labour Court has rejected his claim on the ground that petitioner has furnished affidavit to the effect that he would not claim arrears.

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3. Mr. Harjot Singh Bedi, Advocate submits that respondents had not acted upon the affidavit furnished by petitioner, thus, it could not be relied upon. The Labour Court has wrongly placed reliance upon said affidavit and passed the impugned order.

4. From the perusal of impugned order, it is apparent that there is no order on record disclosing that petitioner was reinstated with full back wages.

5. Concededly, the petitioner did not work during the period in dispute. He was reinstated with retrospective effect but there was no order with respect to back wages. Thus, question of back wages becomes a disputed question which cannot be adjudicated while exercising jurisdiction under Section 33-C (2) of 1947 Act. The application filed by petitioner before Labour Court was not maintainable. The remedy lies somewhere else.

6. In the wake of above facts and findings, the instant petition is dismissed with liberty to petitioner to avail remedies as permissible by law.

7. Dismissed.

8. Pending miscellaneous application(s), if any, shall also stand disposed of.

29.10.2024
manoj

[JAGMOHAN BANSAL]
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No