

2024:PHHC:131010 DB



213 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA-341-2018 (O&M)
Reserved on: 17.09.2024
Pronounced on: 04.10.2024

Punjab State Electronics Development
and Production Corporation Ltd.

...Appellant

Vs.

Presiding Officer, Labour Court, Patiala and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Gaurav Mohunta, Advocate
Mr. Yashasvi Goyal, Advocate
for the appellant.

Mr. Naveen Daryal, Advocate
for respondents.

ANIL KSHETARPAL, J.

1. This intra Court appeal has been filed to call in question the correctness of judgment passed by the learned Single Judge on 13.12.2017 in CWP-3161-1998, in which, the correctness of Labour Court's award passed on 16.09.1997 was challenged.

2. Respondent No.2 was appointed as Senior Scale Stenographer on 05.08.1988 and joined the service on 18.08.1988. Subsequently, he was allocated to Electronic Township of Punjab (ELTOP) Division, Mohali on 01.09.1988 and his services were regularized on 28.08.1989. ELTOP Division was transferred to Notified Area Committee, Mohali on 17.05.1991, resulting in abolition of the said post. Services of 21 employees including respondent

No.2 were transferred to the Notified Area Committee, Mohali. It is alleged that respondent No.2 failed to join at transferred place, which resulted in his retrenchment on 31.01.1992, while ordering payment of the salary in lieu of three months notice with retrenchment compensation. He served demand notice on 19.07.1993, which was referred to the Labour Court for adjudication. On 16.09.1997, reinstatement with 50% backwages from 01.02.1992 to 17.08.1994 with continuity of service was ordered as he was gainfully employed as Junior Scale Stenographer with Punjab State Civil Supplies Corporation Limited (PUNSUP) w.e.f. 04.01.1996. The appellant filed CWP-3161-1998 impugning the award passed by the Labour Court. After a period of 19 years from the date of filing of the writ petition, respondent No.2 filed counter-claim.

3. Learned Single Judge modulated the relief after noticing that respondent No.2 on attaining the age of superannuation retired on 31.01.2017. Respondent No.2 has been held entitled to backwages from the date of demand notice till the age of superannuation, as if he was in service.

4. Having heard learned counsel representing the parties, this Court is of the considered opinion that the matter is required to be remitted to the learned Single Judge for reconsideration.

5. It appears that learned Single Judge has over-looked that respondent No.2 was gainfully employed from 17.08.1994 to 31.12.1995 with the Punjab Financial Corporation (PFC) on contract basis on consolidated pay of Rs.4,500/- per month. Thereafter, he joined PUNSUP on 04.01.1996 as Junior Scale Stenographer. He was subsequently promoted as Senior Scale Stenographer on 07.05.1999 and further promoted as Personal Assistant on

22.09.2006. He was further promoted as Private Secretary on 02.06.2010, and continued as such till his superannuation i.e. on 31.01.2017.

6. These facts were relevant and germane to his entitlement for the amount of backwages. Learned Single Judge has also failed to consider that the Labour Court had ordered reinstatement of the workmen only with 50% backwages w.e.f. 01.02.1992 to 17.08.1994. It is the case of the appellant that he has been paid backwages from the date of demand notice till the workman was employed in PFC on 17.08.1994.

7. For the reasons noted above, the order passed by learned Single Judge is set aside while requesting re-hearing of the writ petition alongwith counter-claim.

8. Needless to observe that learned Single Judge would independently decide to the extent indicated above uninfluenced by the observation made by this Court.

9. The parties through their counsel are directed to appear before the learned Single Judge on 23.10.2024.

(ANIL KSHETARPAL)
JUDGE

(SHEEL NAGU)
CHIEF JUSTICE

04.10.2024
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No