

**CWP-11446-2000 (O&M)****1****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****(216)****CWP-11446-2000 (O&M)****Date of Decision : April 28, 2025****The Naruana No.2 Co-operative Agricultural Service Society Limited
Naruana through its President****.. Petitioner****Versus****The Presiding Officer, Labour Court, Bhatinda and another****.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI****Present: None for the petitioner.****Mr. Binderjit Singh, Advocate, for respondent No.2.****HARSIMRAN SINGH SETHI J. (ORAL)**

1. In the present writ petition, the challenge is to the Award dated 18.07.2000 (Annexure P-5) passed by the Labour Court vide which the respondent No. 2-Workman was reinstated with continuity of service only, which is causing prejudice to the petitioner-Cooperative Society.

2. Though notice of motion was issued but the operation of the impugned Award dated 18.07.2000 (Annexure P-5) was not stayed and as per the directions given in the aforementioned impugned Award, the respondent No. 2-Workman was to be reinstated with continuity of service but without back wages.

3. Learned counsel for respondent No.2-workman submits that though respondent No.2-workman was directed to be reinstated in pursuance to the impugned Award dated 18.07.2000 (Annexure P-5) but he



was not allowed to join the petitioner-Cooperative Society and the respondent No.2-workman has already died and his legal representatives have been brought on record.

4. No one has appeared on behalf of the petitioner-Cooperative Society.

5. I have heard learned counsel for the respondents and have gone through the record with his able assistance.

6. As the writ petition was filed two and half decades ago, the same is being decided without waiting any further for the learned counsel for the petitioner-Cooperative Society.

7. As per the finding recorded by the Labour Court is that the order of termination of the services of the respondent No.2-workman were passed by the administrative of the petitioner-Society, who has no jurisdiction. Nothing evident has been brought to the notice of this Court that the finding so recorded by the Labour Court is perverse to the material/evidence which has been brought on record.

8. In the absence of any perversity being shown, the Award dated 18.07.2000 (Annexure P-5) passed by the Labour Court cannot be interfered hence, the prayer of the petitioner-Cooperative Society for setting aside the said Award is rejected.

9. At this stage, learned counsel for the respondent No.2-Workman submits that the respondent No.2-workman was denied the benefit of back wages. Hence, the Award dated 18.07.2000 (Annexure P-5) be modified so as to grant the back wages to the respondent No.2-Workman.

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10. The back wages are to be given to the respondent No.2-workman keeping in view the facts and circumstances of the present case in case the respondent No. 2-Workman was not gainfully employed during the period he/she remained out of service.

11. On being asked to point out the factual facts as well as the material evidence which have been brought on record that the respondent No.2-workman was not gainfully employed, no such fact has been shown to this Court.

12. In the absence of any such material evidence that the respondent No. 2-Workman was not gainfully employed, the grant of back wages is not permissible hence, the prayer of the respondent No.2-workman that he should be entitled for the back wages is also rejected by this Court.

13. In view of the above, the present writ petition is accordingly dismissed.

14. Civil miscellaneous application pending if any, also stands disposed of.

April 28, 2025*harsha***(HARSIMRAN SINGH SETHI)****JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No