



CWP-13957-2000

-1-

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

223

**CWP-13957-2000 (O&M)
Date of Decision :18.03.2025**

Kuldeep Kaur**...Petitioner**

Versus

**Presiding Officer, Labour Court, Gurgaon
and another****..Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI****Present: Mr. Sanjay Tangri, Advocate for the petitioner.****None for respondent No.2.**

* * *

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, challenge is to award dated 27.12.1999 (Annexure P/8) passed by the Labour Court, by which, after holding the dismissal of the services of the petitioner as bad, only the benefit of back wages up to 15.09.1995 has been granted to the petitioner-workman by the Labour Court. Hence, it is the prayer of the petitioner that award dated 27.12.1999 (Annexure P/8) be kindly set aside or be modified to the extent that the benefit of reinstatement was not given to the petitioner.

2. Learned counsel for the petitioner-workman argues that the benefit given to the petitioner has been restricted only to grant of back wages by the Labour Court vide its impugned award only on the ground that the respondent No.2-Establishment closed w.e.f. 15.09.1995 hence, benefit of back wages can not be granted to the petitioner after the closing of respondent No.2-Establishment. Learned counsel for the petitioner-workman further argues that there was a change in the name of the

**CWP-13957-2000****-2-**

Establishment only where the petitioner-workman was working hence, the petitioner-workman should have been given the benefit of reinstatement in service along with back wages.

3. No one appears on behalf of respondent No.2.

4. I have heard learned counsel for the petitioner-workman and have gone through the record with his able assistance.

5. Once, the petitioner-workman was appointed as a wiring operator in a particular Establishment and the said Establishment closed down on 15.09.1995, the petitioner-workman can only seek reinstatement in service with the employer, who had employed the petitioner. It is a conceded fact that the Establishment where the petitioner was working was not in existence and hence, the reinstatement cannot be granted in another Establishment. Benefit of reinstatement in service to a workman can only be granted by the Court in the Establishment where workman was employed in case, the same is in existence. Once, the Establishment where the petitioner was working had already changed, and a new Establishment had come with different name, the benefit of reinstatement in service has rightly not been granted to the petitioner-workman by the Labour Court.

6. Keeping in view the facts and circumstances recorded hereinbefore, no ground for interference in the impugned order by this Court is made out and the writ petition is accordingly dismissed.

March 18, 2025
aarti

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No