**CWP-14757-2000 (O&M)****1****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****(215)****CWP-14757-2000 (O&M)****Date of Decision : February 27, 2025****Kake Singh****.. Petitioner****Versus****Presiding Officer, Labour Court-II, Faridabad and others****.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Anil Shukla, Advocate, for the petitioner.

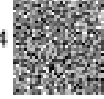
Mr. Saurabh Girdhar, Assistant Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the challenge is to the Award dated 14.10.1999 (Annexure P-1) by which, the petitioner-workman has been ordered to be reinstated with 15% of the back wages.

2. The claim of the petitioner is that once it has been established that the termination of the petitioner is bad, then apart from the relief of reinstatement granted by Labour Court vide its impugned order, full back wages should have been granted to the petitioner instead of only 15%.

3. Learned counsel for the respondents submits that no evidence has been brought on record by the petitioner to show that petitioner was not gainfully employed during the period he remained out of service and despite there being no evidence of such kind, still 15% of the back wages have been granted to the petitioner by the Labour Court hence, the claim of the petitioner for the grant of 100% back wages may kindly be declined.

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4. I have heard learned counsel for the parties and have gone through the record with their able assistance.

5. It is worthwhile to note here that the back wages are to be granted to a workman in case evidence of such nature has surfaced before the Labour Court which can distinctly show that the workman was not gainfully employed after his services were illegally terminated till the date of passing of the Award.

6. In the present case, learned counsel for the petitioner has not been able to point out any such evidence which has been brought on record or have been dealt with by the Court, which could distinctly show this Court or the Labour Court that the petitioner was not gainfully employed after the termination from his services.

7. Therefore, this Court is of the opinion that in the absence of any evidence brought on record to show that the workman was not gainfully employed after his termination, the grant of full back wages as is being claimed by the petitioner in the present petition cannot be accepted.

8. No ground is made out for any interference by this Court in the facts and circumstances of the present case.

9. Accordingly, the writ petition is dismissed.

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

February 27, 2025
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No