



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

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**CWP-17527-1997 (O&M)
Decided on :25.03.2025**

PUNJAB STATE ELECTRICITY BOARD
Versus

..Petitioner

AMARJIT SINGH AND ORS

... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. Baljinder Singh, Advocate for the petitioner.

Ms. Anamika Sheoran, Advocate for
Mr. Vikas Singh, Advocate
for respondent No. 1.

HARSIMRAN SINGH SETHI , J. (Oral)

1. In the present petition, the challenge is to the award dated nil Annexure P-1 by which the recovery certificate has been directed to be issued so as to implement the award which was given by the labour Court on 17.04.1986.

2. Learned counsel for the petitioner argues that the services of the respondent-workman were terminated on 01.07.1978 and respondent-workman had raised the dispute before Labour Court and the Labour Court vide its award dated 31.10.1979 though granted the benefit of the reinstatement in service to the workman but no benefit of back wages was granted to the respondent-workman, which action on the part of the Labour court was challenged by the respondent-workman before this Court and this Court after hearing the matter, remanded back the said issue to the Labour Court for its fresh adjudication so as to decide the claim of the respondent-workman for the grant of the benefit of back wages and ultimately, another award was passed by the Labour Court on 17.04.1986 by which, the respondent-workman was held entitled for the benefit of full back wages



from the date of termination of the service of the workman till the date of his reinstatement i.e. from 01.07.1978 till 29.02.1980. Learned counsel for the petitioner further argues that the workman was reinstated in service on 29.02.1980 but on 11.03.1980 he became absent from service.

3. Learned counsel for the petitioner further argues that the execution application was filed by the respondent-workman to claim the benefit of full back wages as per the award dated 17.04.1986, which has been directed to be granted upto the year 1987 by ignoring the fact that the respondent-workman was only entitled for the back wages upto the date of his reinstatement in service which was on 29.02.1980 and thereafter, award dated 17.04.1986 could not have been implemented so as to grant the benefit of wages in favour of the workman.

4. Learned counsel for the petitioner further argues that the entire fact had not been recorded by the Labour Court while passing the impugned order .

5. Learned counsel for the respondents submits that though the respondent-workman was required to be paid back-wages upto the date of reinstatement i.e. 29.02.1980 and nothing evident has come on record that on which date the workman was reinstated in service hence, reinstatement of the petitioner in service has been treated in the year 1987 and hence, the benefit of back wages in terms of award dated 17.04.1986 has been rightly been directed to be executed by the Labour Court.

6. I have heard learned counsel for the parties and have gone through the case file with their able assistance.

7. It is very surprising that Labour Court had passed the order even without recording the correct fact. Even while passing the order, no date has been given by the labour Court that as to when, the respondent-workman was



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reinstated in service. Once by award dated 17.04.1986, the benefit of back-wages was given from the date of termination of the services of the workman i.e. 01.07.1978 till the date of their reinstatement in service i.e. 29.02.1980, the relevant fact should have been noticed. Nothing evident has come on record as to how, the Labour Court has granted the benefit of back wages to the respondent-workman upto the year 1987. Hence, the order passed by the labour Court is totally cryptic in nature and cannot be sustained in the eyes of law.

10. Accordingly, the order dated nil Annexure P-1 is hereby set aside with a direction to the authority concerned to pass a fresh order qua the claim of the petitioner after hearing both the parties and in accordance with law and by giving due reasons for the conclusion arrived at.

11. As enough time has been lapsed, the fresh order be passed by the authorities concerned within a period of 04 months from the date of receipt of certified copy of this order.

12. Let both the parties be appeared before the authorities concerned on 22.04.2025.

13. The present petition is allowed in above terms.

14. Pending civil miscellaneous application, if any, also stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

25.03.2025

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Whether speaking/reasoned: Yes/~~No~~

Whether Reportable: Yes/No