



**CM-20673-CWP-2024 in/and
CWP-11775-2004**

:1:

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

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**CM-20673-CWP-2024 in/and
CWP-11775-2004 (O&M)
Date of decision : 07.01.2025**

PUNJAB STATE ELECTRICITY BOARD

..... Petitioner

VERSUS

**PRESIDING OFFICER, LABOUR COURT, BATHINDA AND
ANOTHER**

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present :- None for the petitioner.

Mr. D. D. Bansal, Advocate for applicant-respondent No.2.

Harsimran Singh Sethi, J. (Oral)

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This is an application under Section 151 CPC for fixing actual date of hearing in the main case (CWP-11775-2004) which is listed in the regular list at serial No.896.

Heard on application for listing the petition for an actual date.

In view of grounds mentioned in the application, same is allowed and main case is taken on Board today itself.

CWP-11775-2004

1. In the present petition, challenge is to the award dated



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07.04.2004 (Annexure P-3) passed by the Labour Court, Bathinda by which, while directing the reinstatement of the respondent in service, 30% back wages were given alongwith the continuity of service.

2. Though, nobody has appeared on behalf of the petitioner but the claim of the petitioner is that the respondent left the duty on his own will and secondly, the litigation was initiated by the respondent after 13 years of the alleged dispensation of his service by the authorities concerned and therefore, no backwages could have been given to the respondent-employee. The said writ petition was admitted on 11.07.2005 and the payment of back wages was stayed by the Division Bench on 06.08.2004.

3. Learned counsel appearing on behalf of respondent No.2-employee submits that he was reinstated in terms of the impugned award and has already discharged the duties and also got promotion thereafter, and has also superannuated as of now. Learned counsel further submits that keeping in view the pendency of the present petition, his pensionary benefits have not been released which is causing prejudice.

4. I have heard learned counsel for respondent No.2 and have gone through the record with his able assistance.

5. The award except the payment of back wages has already been executed as the respondent-employee has not only been reinstated in service, but he has also retired from service after reinstatement.

6. The only question which needs to be decided is whether, in the facts and circumstances of the present case, 30% back wages could have been given to the respondent-employee or not.



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7. Learned counsel for respondent No.2 has not been able to dispute the fact that the alleged dispensation of his services by the authorities concerned was in the year 1987 and the litigation was initiated by respondent No.2 after a period of 13 years. Keeping in view the said fact, the justice would have been achieved, by reinstating the respondent-employee rather than, burdening the employer with the 30% back wages also.
8. Keeping in view the fact that the award has already been executed except back wages, the award of the Labour Court dated 07.04.2004 (Annexure P-3) is modified that the respondent-employee will be reinstated but without there being any back wages.
9. Learned counsel for the respondent has submitted that as respondent No.2 has already retired and his pensionary benefits have not been released hence, the petitioner-authorities be directed that in case, the pensionary benefits have not been released to the respondent No.2, the same be released keeping in view the entitlement of respondent No.2 within a period of two months of the receipt of the copy of this order.
10. Ordered accordingly.
11. Pending applications, if any, also stand disposed of accordingly.

**(HARSIMRAN SINGH SETHI)
JUDGE**

07.01.2025
Rimpal

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