



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

**CWP-791-2005 (O&M)
Date of Decision: 22.05.2025**

**AJMER SINGH ... PETITIONER
VS.
PRESIDING OFFICER & ORS .. RESPONDENTS**

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ishan Cooner, Advocate for
Mr. J.S.Cooner, Advocate,
for the petitioner.

None for the respondents No. 2 and 3.

HARSIMRAN SINGH SETHI, J.(ORAL)

1. In the present petition, the challenge is to the award dated 07.10.2003 (Annexure P-1) passed by the Labour Court by which, by recording a finding that the services of the petitioner was terminated in violation of the provisions of Industrial Disputes Act, 1947, the order terminating the services has been set aside and the petitioner was directed to be reinstated with continuity in service and granted with Rs. 10,000/- as back wages in lumpsum.

2. Learned counsel for the petitioner submits that once the termination was found to be bad, the petitioner should have been reinstated in service and should have been granted with 100% back wages and, therefore, the award dated 07.10.2003 may kindly be modified.

3. No one appears on behalf of the respondents.

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

5. It is a conceded fact that even while filing the present petition, not even a single averment has been made that the workman i.e, the petitioner was not gainfully employed. Further in the claim petition filed by workman also, no such averment had been made and nothing had been brought on record to show that the workman was not gainfully employed during the period after the termination of the services keeping in view the evidence brought on record on the said aspect.

6. Once, no such evidence has been brought on record, the claim that the benefit of 100% back wages should have been given to the workman, is incorrect. It is only in case, the workman is not gainfully employed during the period after his termination that the benefit of back wages can be given so as to compensate the workman whose service has wrongly been terminated and qua the said aspect a categoric finding has to be recorded by the Labour Court holding that the workman concerned has not been gainfully employed in said period on the basis of facts and evidence which has come on record. No such fact and evidence has been brought to the notice of this Court so as to allow the workman the benefit of back wages so as to modify the award impugned passed by the Labour Court so as to grant 100% back wages.

7. As the award of the Labour Court has not been shown to be perverse either to the facts or to the evidence on record, no ground is made out to interfere in the present petition.

8. Dismissed.

(HARSIMRAN SINGH SETHI)
JUDGE

22.05.2025
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Whether speaking/reasoned : Yes
Whether Reportable : No