

2025:PHHC:110976-DB



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

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**LPA-1892-2025 (O&M).
LPA-1896-2025 (O&M).
LPA-1897-2025 (O&M).
LPA-1906-2025 (O&M).
LPA-1939-2025 (O&M).
Date of Decision: 22.08.2025.**

M/s Pearl Global Limited

....Appellant.

VERSUS

The Presiding Officer, Industrial Tribunal-cum-
Labour Court-II, Gurugram and another

....Respondents.

**CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Mr. Vikas Mohan Gupta, Advocate for the appellant(s).

ANUPINDER SINGH GREWAL, J. (Oral)

CM-4687-LPA-2025 IN LPA-1892-2025

CM-4694-LPA-2025 IN LPA-1896-2025

CM-4706-LPA-2025 IN LPA-1906-2025

CM-4788-LPA-2025 IN LPA-1939-2025

Prayer in these applications is for condonation of delay of 03 days in filing appeals bearing LPA No.1892 and 1896 of 2025 and 04 days in filing the appeals bearing LPA No.1906 and 1939 of 2025 respectively.

Heard.

For the reasons stated in the applications, the same are allowed and delay in filing the appeals is condoned.

Main Appeals

This judgment shall dispose of the afore-mentioned five Letters Patent Appeals as the same have arisen from the common judgment dated 25.03.2025 passed by the Single Bench of this Court. For the sake of convenience, the facts are being taken from LPA No.1892 of 2025.

2. The appellant-employer has challenged the judgment of the Single Bench dated 25.03.2025, whereby the writ petitions bearing CWP No.6677, 6680, 6689, 6690 and 6706 of 2016, preferred by it impugning the Awards of the Labour Court, have been dismissed.

3. Learned counsel for the appellant submits that respondent No.2-workman ought not to have been granted the benefit of full back wages from the date of his termination, especially when despite repeated notices asking him to join duty, he did not report back on duty as he had left for Bihar. Furthermore, respondent No.2-workman was gainfully employed elsewhere.

4. Heard.

5. Respondent No. 2 had been employed as a 'Tailor' with the appellant since 02.03.1998. His services were terminated on 22.08.2006, prompting him to raise an industrial dispute before the Labour Court. In its Award dated 07.10.2015 (Annexure P-20), the Labour Court found that the termination violated Section 25-F of the Industrial Disputes Act, 1947 and principles of natural justice. Accordingly, the Labour Court had directed reinstatement in service of respondent No.2 along with continuity of service and full back wages from the date of his termination. The award of the Labour Court was upheld by the Single Bench. Learned counsel for the appellant has contended that respondent No.2 did not join back service despite several notices (Annexures P-4 to P-7) being issued to him. However, the Labour

Court observed that there was no evidence to show that these notices were actually served on respondent No. 2. Additionally, it was noted that the Management had failed to respond to the letters dated 16.06.2006 and 22.09.2006 written by respondent No. 2. He was not even intimated of the fact that he had been dismissed from service on 21.09.2006 (Ex. P-30) by the Management by invoking Clause-4 of his appointment letter, citing serious misconduct on his part as he had participated in the strike. The Management had also failed to produce any material on record as to whether they had conducted any domestic inquiry before removing respondent No.2 from service on the ground of misconduct.

6. Learned counsel for the appellant had stated that respondent No.2 had left for his native village in Bihar and has referred to the address in the affidavit to the application under Section 17-B (CM No.4477 of 2018). In that eventuality, it was incumbent upon the appellant to serve him at his address in Bihar or to have made publication in a newspaper for service of the notices on respondent No.2. However, no such step is stated to have been taken by the appellant. Besides the appellant has not been able to lead any evidence whatsoever that respondent No.2 was gainfully employed during this period, so as to deny him the benefit of back wages. It was under such circumstances that the Labour Court had granted the relief of reinstatement in service to respondent No.2 from the date of his termination along with back wages.

7. It is settled law that the factual findings arrived at by the Labour Court after appreciation of evidence, should ordinarily not be interfered by the Writ Court without assigning cogent reasons. Reference can be made to the judgment of the Supreme Court in the case of **Ganapati Bhikarao Naik vs. Nuclear Power Corporation of India Limited, Civil Appeal No.6591-6592**

of 2024 decided on 13.11.2024. The relevant extract of the judgment is reproduced hereunder:-

“12. The relevant materials reflecting the marriage of the appellant with Smt. Ganga was however ignored by the Writ Court. The Court also failed to appreciate that the learned Labour Court reached the factual conclusion, after due consideration of the material evidence. Such factual finding of the Labour Court should not normally be disturbed by a Writ Court without compelling reason. Such reasons are absent. Therefore we feel that the Award in favour of the appellant, granted by the Labour Court, was erroneously disturbed by the learned Single Judge.”

8. In the afore-noted facts and circumstances, we do not find any manifest illegality in the judgment of the Single Bench and the award of the Labour Court warranting interference by this Court. Consequently, all the afore-mentioned Letters Patent Appeals being devoid of any merit stand dismissed. Pending application(s), if any, also stands disposed of accordingly.

(ANUPINDER SINGH GREWAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

22.08.2025
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Whether speaking/ reasoned	:	Yes/ No
Whether Reportable	:	Yes/ No