



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

Date of Decision : 25-07-2025

1. CWP-10972-2017 (O&M)

AZAD SINGH

.....Petitioner

VERSUS

**PRESIDING OFFICER, LABOUR COURT-CUM-INDUSTRIAL
TRIBUNAL, U.T., CHANDIGARH AND ANR**

.....Respondent(s)

And

2. CWP-26197-2019 (O&M)

HARYANA STATE SOCIAL WELFARE BOARDPetitioner

VERSUS

**PRESIDING OFFICER, LABOUR COURT-CUM-INDUSTRIAL
TRIBUNAL, U.T. CHANDIGARH AND ANR.**

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

**Present: Mr. Jagram Singh Cooner, Advocate
for the petitioner in CWP No.10972 of 2017.**

**Mr. Manjeet Singh, Advocate
For respondent No.2 in CWP No.10972 of 2017
For petitioner in CWP NO.26197 of 2019.**

**Mr. Mandeep Singh Kundu, Advocate
for respondent No.2 in CWP No.26197 of 2019.**

HARSIMRAN SINGH SETHI, J. (Oral)

1. Present set of writ petitions involve common question of law in the context of common set of facts and thus they are being decided by a common order. For the sake of convenience and better understanding facts are drawn from CWP No.10972 of 2017.

2. In the present petition, the petitioner-Workman has challenged the award dated 21.11.2016, copy of which has been appended as Annexure P-5 to claim the benefit of 100% of the backwages instead of 25% after the finding had been recorded by the Labour Court that the service of the petitioner-Workman was terminated in violation of the provisions of the Industrial Disputes Act, 1947 (hereinafter referred as “1947 Act”).

3. The challenge to the same award dated 21.11.2016 (Annexure P-5) has also been raised at the hands of the employer on the ground that the petitioner-Workman had abandoned the job of his own will and there was no termination of petitioner’s service at the hands of the respondent and further the benefit of 25% of the backwages granted to the petitioner-Workman, is without any basis.

4. I have heard learned counsel for the parties and have gone through the records of the present case with their able assistance.

5. Keeping in view the fact that the termination of the services of the petitioner-Workman was held to be bad being in violation of the provisions of the 1947 Act, it became the duty of the Labour Court to decide as to how to compensate the petitioner-Workman on account of his illegal termination from his service. The parameter which has to be taken into account for the grant of backwages to compensate the petitioner-Workman was adopted by the Labour Court and the Labour Court came to the conclusion that grant of 25% of the backwages will compensate the petitioner-Workman adequately.

6. Learned counsel for the petitioner argues that benefit of 100% of the backwages should have been granted to the Workman.

7. The claim of 100% of the backwages can only be granted in case, the petitioner-Workman has been able to prove that the petitioner-Workman was not gainfully employed during the period after his termination and has no other means to meet the livelihood needs whereas, such evidence has not been brought on record, so as to grant the Workman 100% backwages.

8. Learned counsel for the petitioner-Workman was requested to point out the fact as well evidence that throughout the period when the petitioner-Workman remained out of service, he was not gainfully employed; learned counsel for the petitioner has not been able to show any such evidence to prove that the grant of 25% of the backwages in favour of the petitioner-Workman is arbitrary, illegal or perverse to any evidence brought on record.

9. Similarly, learned counsel for the Employer submits that the directions given in the impugned award dated 21.11.2016 (Annexure P-5) qua the reinstatement was complied with as the Workman has already been reinstated.

10. Once, the benefit given in the award 21.11.2016 (Annexure P-5) qua reinstatement in service has already been given to Workman, no interference is called for at the hands of this Court for qua the said relief granted to the petitioner-Workman.

11. With regard to the claim of employer that benefit of 25% backwages should not have been given to the Workman, learned counsel for the employer, who has also challenged the said impugned award in CWP No.26197 of 2019, has not been able to show that the Workman remained

gainfully employed throughout the period he remained out of service, so as to deny the backwages.

12. In such circumstances, keeping in view the fact that the Labour Court has directed to grant 25% of the backwages, the same was adequate for the petitioner-Workman for all intents and purposes

13. Both the writ petitions are accordingly dismissed.

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

15. Photocopy of this order be placed on the file of other connected case.

25-07-2025
Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE: Whether speaking: YES
Whether reportable: NO