



**CWP-12480-2017 & connected cases -1-**

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

**248 (09 cases)**

**CWP-12480-2017 (O&M)  
Date of Decision :03.04.2025**

**Meenu Devi**

**...Petitioner**

**Versus**

**Presiding Officer, Industrial Tribunal-cum-Labour Court  
Hisar and another**

**... Respondents**

**CWP-12552-2017**

**Sahab Ram**

**...Petitioner**

**Versus**

**Presiding Officer, Industrial Tribunal-cum-Labour Court  
Hisar and another**

**... Respondents**

**CWP-12486-2017**

**Santosh**

**...Petitioner**

**Versus**

**Presiding Officer, Industrial Tribunal-cum-Labour Court  
Hisar and another**

**... Respondents**

**CWP-12562-2017**

**Satpal**

**...Petitioner**

**Versus**



**CWP-12480-2017 & connected cases -2-**

**Presiding Officer, Industrial Tribunal-cum-Labour Court  
Hisar and another**

**... Respondents**

**CWP-12570-2017**

**Gurcharan Singh**

**...Petitioner**

**Versus**

**Presiding Officer, Industrial Tribunal-cum-Labour Court  
Hisar and another**

**... Respondents**

**CWP-12625-2017**

**Santosh Devi**

**...Petitioner**

**Versus**

**Presiding Officer, Industrial Tribunal-cum-Labour Court  
Hisar and another**

**... Respondents**

**CWP-12629-2017**

**Meena Rani**

**...Petitioner**

**Versus**

**Presiding Officer, Industrial Tribunal-cum-Labour Court  
Hisar and another**

**... Respondents**

**CWP-12657-2017**

**Kanta Rani**

**...Petitioner**

**Versus**



**CWP-12480-2017 & connected cases -3-**

**Presiding Officer, Industrial Tribunal-cum-Labour Court  
Hisar and another**

**... Respondents**

**CWP-13282-2017**

**Soma Rani**

**...Petitioner**

**Versus**

**Presiding Officer, Industrial Tribunal-cum-Labour Court  
Hisar and another**

**... Respondents**

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Lajpat Rai, Advocate for Mr. Vivek Khatri, Advocate  
for the petitioner(s) in all petitions.

Mr. Naveen S. Panwar, DAG, Haryana.

\* \* \*

**Harsimran Singh Sethi, J. (Oral)**

1. In the present bunch of nine petitions, the details of which are mentioned in heading, the only grievance raised by the petitioners-workmen is that the grant of benefit of back wages has been denied by the Industrial Tribunal-cum-Labour Court, Hisar only on the ground that the petitioners-workmen did not work during the intervening period, which is incorrect.

2. Learned counsel for the petitioners-workmen argues that the benefit of back wages can only be denied in case, the Labour Court comes to the conclusion that the workman was gainfully employed during the period when he/she remained out of service whereas, no such finding has been given by the Labour Court in the present case.

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3. Learned counsel appearing for the respondents submits that nothing evident has come on record that the petitioners-workmen were not gainfully employed and therefore, the benefit of back wages has been denied to them hence, the impugned award dated 01.09.2014 (Annexure P/1) needs to be upheld qua the non-grant of benefit of back wages.

4. I have heard learned counsel for the parties and have gone through the record with their able assistance.

5. The benefit of back wages is to be granted to compensate the illegal termination of service of the petitioner-workman. In the present case, the order terminating the services of the petitioners-workmen was held to be bad. That being so, the question which arose before the Labour Court was to decide as to whether the petitioners-workmen needs to be compensated by way of grant of benefit of back wages or not. The grant of benefit of back wages to the petitioners-workmen depends upon the fact that whether the petitioners-workmen were having the gainful employment during the period when he/she remained out of service and the same has to be given keeping in view the facts and evidence which has come on record.

6. A bare perusal of the impugned award dated 01.09.2014 (Annexure P/1) shows that the benefit of back wages has been denied to the petitioners-workmen on the ground that the petitioners-workmen did not work during the intervening period . Once, the authorities themselves did not allow the petitioners-workmen to work after the termination of their service, non-working by the workman cannot be blamed upon the petitioners-workmen so as to deny them the benefit of back wages.

7. Keeping in view the totality of the facts and circumstances of

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the present case, the impugned award dated 01.09.2014 (Annexure-P/1) qua the grant of back wages to the petitioners-workmen is set aside. Issue qua the grant of back wages to the petitioners-workmen be remanded back to the Labour Court to decide afresh as to whether the petitioners-workmen are entitled for the grant of benefit of back wages or not on the basis of the facts and evidence which has come on record.

8. Let the Industrial Tribunal-cum-Labour Court, Hisar pass an order on the issue of grant of benefit of back wages to the petitioners-workmen within a period of six months.

9. Parties are directed to appear before the Presiding Officer, Industrial Tribunal-cum-Labour Court, Hisar on 08.05.2025.

10. Present petitions are disposed of in above terms.

11. Civil miscellaneous application pending, if any, is also disposed of.

11. A photocopy of this order be placed on the files of connected cases.

**April 03, 2025**  
*aarti*

**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

*Whether speaking/reasoned : Yes*  
*Whether reportable : No*