

**LPA-1765-2025 (O&M) 1****IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

126

LPA-1765-2025 (O&M)**Date of decision : 21.11.2025****Charanjit Singh****... Appellant****Versus****Presiding Officer Central Government Industrial Tribunal-cum-Labour Court,
Chandigarh and others****...Respondents****CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Mr. Naveen Sharma, Advocate for the appellant.

Anupinder Singh Grewal, J. (Oral)

The appellant has impugned the judgment of the Single Bench dated 01.05.2025, whereby the writ petition preferred by him challenging the award of the Labour Court dated 03.02.1999 to the extent that he had been denied backwages, has been dismissed.

2. Learned counsel for the appellant submits that the appellant was working as a Clerk-cum-Cashier with respondents Nos. 2 to 5- Bank and his services had been terminated without conducting any disciplinary inquiry and therefore, the Labour Court had rightly directed that he be reinstated in service with continuity. Once, the Labour Court had made an observation that the appellant had been illegally terminated, he was entitled to backwages.

3. Heard.

4. The appellant is stated to have joined respondents No.2 to 5-Punjab & Sind Bank as a Clerk-cum-Cashier in 1977. Later, his services were regularised. From May 1990 till 20.07.1990, he was granted ex-India leave. He, however, overstayed for a period of five months, allegedly on the ground that he had lost his passport and joined duty only 06.12.1990. Admittedly, even after having resumed duty only for a



short period, he again absented himself from work from 01.01.1991 to 15.01.1991, 21.01.1991 to 23.01.1991, 01.02.1991 to 04.02.1991, 14.02.1991 to 28.02.1991, 01.03.1991 to 06.03.1991, and thereafter he was absent till 12.01.1992. He reported for duty on 13.01.1992, when he was informed that his services had been terminated w.e.f. 24.10.1991. Aggrieved, he raised an industrial dispute and sought reinstatement with continuity in service alongwith back wages. The labour court in its award dated 03.02.1999, held that since no inquiry was held before terminating his services, the termination was illegal, and the appellant was directed to be reinstated w.e.f. 24.10.1991 with continuity in service but without back wages.

5. Two writ petitions were preferred against the award of the Labour Court; one by the Bank challenging the appellant's reinstatement and one by the appellant seeking back wages. The Single Judge vide the common judgment had set aside the award of the Labour Court and allowed the writ petition preferred by the Bank. Resultantly, the petition preferred by the appellant was dismissed.

6. The appellant has impugned the judgement of the Single Judge only to the extent that the writ petition preferred by him seeking back wages, has been dismissed. It is evident from a perusal of the award of the Labour Court that the appellant had wilfully remained absent from duty for about a year. Admittedly, he had 'proceeded on leave' without getting his leave sanctioned by the competent authority. No explanation whatsoever has been offered as to why he was absent from duty for such a long time. It is apparent from the material on record that during his absence from duty, the appellant was running a business from various cities across the country. Therefore, it is likely that he was no longer interested in working with the bank and had abandoned his job.

7. In view of the aforementioned facts and circumstances, we do not find any merit in this appeal warranting interference in the judgment of the Single Bench



dismissing the writ petition preferred by the appellant seeking back wages. Consequently, the appeal stands dismissed.

8. At this stage, learned counsel for the appellant submits that the appellant had an unblemished record for over 19 years and the Court ought to take a sympathetic view.

9. It has come to our notice that as on date no LPA has been preferred by the appellant against the judgment of the Single Judge to the extent that the writ petition preferred by the employer-Bank impugning the award of the Labour Court has been allowed, and his dismissal from service w.e.f. 24.10.1991, has been upheld. During the pendency of the writ petition, the appellant is stated to have been reinstated in 2001. He superannuated in 2006 and at present is around 79 years of age. In view of the fact that the appellant is in his sunset years and the judgment of the Supreme Court in the case of *State of Punjab and others Vs. Rafiq Masih, (2015) 4 SCC 334*, we deem it appropriate to direct that the respondents shall not make any recovery from the appellant qua the salary, wages, emoluments and pensionary benefits, etc. already paid to him.

10. All pending miscellaneous application(s), if any, shall also stand disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

21.11.2025
Sapna

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