



CWP-24434 of 2015 and other connected cases :1:

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

232 (4 cases)

CWP-24434 of 2015 (O&M)

Date of decision : 28.01.2025

M/S PEARL GLOBAL LTD.

..... Petitioner

VERSUS

DINESH SHARMA AND ANOTHER

..... Respondents

2.

CWP-24408 of 2015 (O&M)

M/S PEARL GLOBAL LTD.

..... Petitioner

VERSUS

MAHENDER PRATAP SINGH AND ANOTHER

..... Respondents

3.

CWP-24407 of 2015 (O&M)

M/S PEARL GLOBAL LTD.

..... Petitioner

VERSUS

SWAROOP SINGH

..... Respondent

4.

CWP-24465 of 2015 (O&M)

M/S PEARL GLOBAL LTD.

..... Petitioner

VERSUS

DEV DUTT

..... Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present :- Mr. Vikas Mohan Gupta, Advocate with
Mr. Nakashvir S. Aulakh, Advocate
for the petitioner.

Ms. Geeta Singhwal, Advocate
for respondent No.1-workman.

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

1. Learned counsel for the petitioner submits that keeping in view the impugned award dated 08.07.2015 (Annexure P-1) passed by the Labour Court, the respondents-workmen have already been reinstated and the only question remains of the backwages as 50% of the backwages have already been paid but 50% are yet to be paid. Learned counsel for the petitioner submits that at the time when the matter was pending before the Labour Court, the factum that the respondents-workmen were also gainfully employed was not to their knowledge and certain facts have come to their knowledge subsequently which need to be placed before the Labour Court as to review whether, the employees are entitled for 100% backwages or not as directed by the impugned award hence, the permission be granted to approach the Labour Court for the review of the award qua the grant 100% backwages to the respondents-workmen on the basis of the facts which have come to their knowledge.

2. Learned counsel for the respondent raises no objection and submits that even as of now her instructions are that the employees were not gainfully employed and in case, any such application is filed, the same will be defended as per the facts.

3. Learned counsel for the employees also raises a grievance that the wages for which the employees are entitled for upon the reinstatement have not been paid to them. Learned counsel appearing on behalf of the petitioner submits that the said issue is not raised in the present petitions as, the present petitions have been filed by the employer and not by the



CWP-24434 of 2015 and other connected cases :3:

employees and in case, workmen have any grievance with regard to the non-payment of the entitled salary, they should avail appropriate remedy before the Labour Court under Section 33C (2) of the Industrial Disputes Act, 1947.

4. Learned counsel for the workmen submits that liberty be given to the workmen to agitate the claim to get the entitled salary upon reinstatement by availing appropriate remedy before the Labour Court.

5. The present petitions are not pressed by the petitioner with liberty to approach the Labour Court with regard to the modification or the relief granted to the respondents-employees qua the grant of full backwages.

6. Ordered accordingly.

7. The remaining 50% of the backwages admissible under impugned award will be given to the respondents- employees subject to any remedy to be availed by them before the Labour Court and the said payment of the backwages will be released within a period of two months, subject to any order to be passed by the Labour Court henceforth.

8. A photocopy of this order be placed on the connected case file numbered above.

(HARSIMRAN SINGH SETHI)
JUDGE

28.01.2025

Rimpal

Whether speaking/reasoned	Yes
Whether Reportable :	No